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Egypt	MR1
Turkey	MB1
Iraq	MH1
Syria	MD1
Lebanon	ME1
Historical Palestine	MF2

/For an account of the organization of agriculture and forms of land tenure and an historical summary of changes in agricultural systems and methods in the countries of the Middle East, see 66: Bonné, M1 Middle East, category 116 as follows: Egypt - pp. 127-129, 192-196, Turkey - pp. 129-130, Iraq - pp. 130-133, 189-192, 202-203, Syria, Lebanon and Palestine - pp. 133-135, 188-189, 203-204./

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

from a headquarters no longer distant, telegraph lines could be seen, postmen rode from town to town. A dozen new townships had been founded in the last decades of the century—Nasiriya in the Muntafiq, 'Amara in the lower Tigris, Kut and Bughayla as river-steamer fuelling points, and new-built Khans with gendarme posts along the main routes. The control of the greater canal heads had become a Government function; more and more the local Governor became the invoked arbiter of tribal quarrels; and the Tapu land records with their registration of communal tribal lands as the private property of the Shaykhs had introduced a new and jarring relationship of landlord and tenant to mar that of chieftain and loyal follower.

Other and less obvious elements were at work to modify the old tribal isolation. Increased awareness of the outside world came with the visits of grain-buying merchants' agents, since the steamship had made bulk export possible. The effects of shipping itself radiated inland from Basra and from the Tigris steamboats. European manufactured goods penetrated into every tribe; and the buyers, the effendis, the *Zaptié* and the city populace whom a tribesman might rarely visit, were themselves reflectors, in their kind and degree, of a faint light of Western innovation in the world of speech, ideas, and comparisons. Few of the foreign travellers of the 'nineties failed to comment on the social progress of the last quarter-century and on the greater penetration by Government of the outlying regions.

The Dhafir in the south-western desert, astride the route into Najd, lived on bad terms with ibn Rashid and raided the Mutayr and 'Aniza. The 'Aniza, greatest of nomadic groups of northern Arabia, held the Shamiya desert from Najf to Hit. Their chief, ibn Hadhdhal, titular Qa'immaqam of Razaza, now courted and now imprisoned by the Turks, pursued his ancient feuds with the Shammar, and flouted the Government. The Dulaym were by 1900 largely settled and in part disciplined by the chain of police posts along the Aleppo road.

The Shammar had long passed their great days of formidable unity. Intermittently at war with an outstanding personality of the time, Ibrahim Pasha of the Milli Kurds—bandit, patriarch, general of Hamidiya, protégé of Sultan 'Abd al-Hamid—they were bitterly divided by factions among the sons of Farhan Pasha, and could play off the authority of Mosul against Dayr al-Zur, loot the river traffic, withhold their taxes, and alternately court and reject the favours of Government.

On the lower Euphrates the power of the Sa'dun overlords over a complex of Shi'i tribes was in division and decline. For a generation two separate schools of leadership had appeared: the attempt

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

of Naṣir Pasha and later of his son Falih to turn the tribesmen into docile tenants on the Sa'dun estates (which Ottoman land-registration policy had demarcated and bestowed under the feet of the age-long cultivators), and the attempt of Manṣur Pasha and later of his son, Sa'dun, to maintain all their old independence. Thus personal ambition and hatred joined with a clear issue of policy, with Government playing a rôle of vacillating opportunism. Year after year tribal war went on, with Turkish forces sometimes participating; civil government was almost wholly inoperative; yet settlement and tribe-breaking were all the time half-visibly proceeding. The day of a quiet tithe-paying Muntafiq peasantry was still distant; the fear of a united Muntafiq army was long past.

The middle-Euphrates tribes present for this period a confused picture of intricate local history. Typical of them are the Bani Ḥuchaym (Ḥukaym), the Shibil, Fatla, Khaza'il, Bani Ḥasan, and the tribes of 'Afak and Daghara, most of whom had been lately converted to Shi'ism and fell thereby under Mujtahid influence. Their records for the later nineteenth century show the increasing settlement of their shepherd sections, and the gradual introduction of rapacious yet feeble Turkish tax-gatherers. They show the endless bickering between tribes, accompanied by the bluster, looting, and unaimed rifle-fire which passes for tribal warfare; and the bitterer strife for the vacant headship of tribes, in which Mudir or Qa'immaqam would interfere when he could. In spite of the rare emergence of a unifying leader, the tendency was towards levelling, division, disunity. This was aided by the spread of the new land-registry system and by the purchase of whole estates by the Saniya Administration which could develop its lands without tribal agency. The shifting of the Euphrates waters from the eastern to the western channel (p. 32) had profound effects in displacing the tribes, led to clashes, secessions, and invasions, and added to the immediate authority of Government as the only possible controller of Euphrates waters.

On the lower Tigris the close of the century was stormy with civil war. With lesser marsh tribes and the new non-tribal townships, the dominant groups were those of the camel-owning, grain-growing Bani Lam and the rice-growing Albu Muḥammad. The prosperity of both tribes depended on the Government allotment of the *muqaṭa'as*,[1] whose periodical distribution led to bitter quarrelling. To the normal causes of tribal war was thus added a perpetual irritant, and to its normal practices that of preying on the Tigris river traffic. Armed attacks on this were a common

[1] The *muqaṭa'a* was (and is) a defined area (in some cases of great extent and productive value) of irrigable land, leased for a cash annual rent to a tribal shaykh; possession of a better *muqaṭa'a* was an object of the keenest rivalry.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

241 [312] advantage of extensive fertile tracts and abundant water, it made but a poor showing in the exports it permitted, and the low standard of life it sustained. It was, and is, possible indeed to exaggerate the potentialities of 'Iraq agriculture;[1] areas cultivable by flow or lift-irrigation are not unlimited;[2] even with the best of conservation, its river-water resources can never suffice, at one time, for all or nearly all its irrigable lands; and the rains[3] upon which northern 'Iraq wholly depends are capricious and rarely sufficient. Barrage-irrigation could never be as easily achieved as in Egypt, and its cost must always place at a disadvantage, against a Canada or a Russia, countries which like central 'Iraq are dependent on it. The indigenous 'Moroccan' and the invading 'Najdi' locust were an annual menace to crops. The 'Iraqi *fallaḥ*, even when helped by a large measure of mechanization, was and is no match for the European or North American as a producer.

511 In the 'Iraq of 1900, at any rate, there were reasons enough for agricultural, and therefore universal, poverty. Conditions were tolerable in the rain-fed areas of Mosul and Shahrizur, where village organization prevailed, taxation was reasonable, the dangers of flooding unknown, land-holdings often small and personal: tolerable, too, on other lines, in the Shaṭṭ al-'Arab date-belt where security was good, society well rooted, and the growers' skill highly developed. If even in these two zones a lifetime of debt and near-starvation were the lot of most men, elsewhere, throughout lower 'Iraq, neither the social structure nor Government measures towards land settlement had produced conditions within which progress was possible. Security was habitually threatened over great areas by the aggression of neighbours or the depredations of the *badu* and their hungry camels. Even where tenure was reasonably secure, the prevalent crop-sharing system supplied but the barest living to the cultivator: the shaykhs and their agents, absentee landlords, and a blindly grasping Government combined to remove both the reward of past and the incentive for future toil. No shaykh and no landlord conceived a duty of improving productivity; wherever local agriculture called for combined and organized effort—silt-clearing, flood-bank protection, locust warfare, drainage—they provided no capital, no superior guidance, little co-ordination, no sense of social obligation. Government

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[1] It may be that, even in the legendary past, agricultural prosperity was somewhat less than is vaunted: the rains were no more copious, floods as ruinous, the swamps as vast, the *badu* as rapacious; and the great canals, to judge by the lack of surviving ruined headworks, may have been, after all, only flood-channels annually silt-cleared.

[311] [2] Some 20 million acres in irrigable areas (south and central 'Iraq), 10 million of rain-lands in the north.

[3] The annual average for Mosul area is some 450 mm., and more in the hills: in central 'Iraq, 150 mm.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

itself had rarely the knowledge, the physical control or the resources to initiate new methods or improve the old.

The cultivators themselves, mediocre in physique and discouraged by their circumstances, were resigned to accept the lowest subsistence level as the best which life could afford them. Their cultivation methods remained primitive. They had, indeed, their technique of small-scale water control, their wasteful but practicable methods of water-lift. They could be prompt to benefit from occasional rain or the wet silt of shrinking rivers, had mastered from early childhood their simplest of equipment. But there was no improvement in the quality of the few crop varieties grown, no experiment in new techniques, no ambition for purer seed-types which could have doubled the merchants' prices, no reluctance to offer adulterated or uncleaned produce. There was a dead or deadly conservatism, backed by centuries of habit and dull fatalism. Only on the Saniya estates were there signs that other standards might, without miracle, be achieved; with better security due to a favoured use of the *Zaptié*, modern buildings, regular silt-clearance, a minimum of helpful organization and financing, the Saniya lands offered a spectacle less mournful than the generality of 'Iraq agriculture—but had solved none of its major problems.

Of these, some were evident enough: problems of security both of tenure and of life, of the means to perform the communal functions of the countryside, of finance, of rural education, of taxation, and rent. Of the irrigation problem, vital to 'Iraq society and economics in every age, more must be said. 'Iraq, from this viewpoint, offered not only high hopes but grave difficulties, which in 1900 no attempt had been made to master. It was the chief of these that the Two Rivers vary more than tenfold seasonally in their discharge, whereby the beds sufficient for their discharge in the dry months are wholly inadequate to take their flood waters. The result must be wholesale flooding; and indeed great areas of land in central 'Iraq are below the high flood-level of the rivers. Secondly, the April flood season, when alone the river-levels have 'command' of riverain lands, begins too late to mature the spring grain crops, and ends before the ripening of the summer grains and vegetables. The basic requirements, therefore, were and are evidently five: protection against ruinous spring flooding: storage of flood water, for re-use in the low season: establishment of barrages to maintain river levels which will secure command by flow-canals at essential seasons: control of the canal-heads by regulators; and, finally, provision for main as well as local drainage, to prevent the otherwise inevitable and actually widespread salination.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq M.H1

Governor had only a general power of co-ordination and discipline. These departments, directed from Istanbul, included the administration of justice: a field in which Turkish law had by 1900 developed far beyond its Shara' origins. The composite and ill-coded civil Majalla, a mass of *ad hoc* legislation, and a body of French commercial law had been adopted. The resulting codes were not only imperfectly drafted and full of anomalies, but too often quite unsuited to 'Iraqi needs. The Courts which administered them represented a comprehensive and not ill-considered system spoiled by the delays and abuses in its practical working, by its exclusive use of a foreign language, and by the underpaying of the judges. The privileged position of foreigners, protected by their outdated and resented Capitulations, was assured by special arrangements in both civil and criminal matters.

Abundant work for the Courts was provided by the department of Land Registry, or Tapu. It had been inaugurated in 'Iraq by Midhat Pasha as a land-settlement and stabilizing measure; but in unsurveyed agricultural lands, largely in immemorial tribal possession and far from conforming to the official view that 'unalienated State lands' were at Government's free disposal, the Tapu system could do little save create new disputes, bestow rights on parties powerless to exercise them, and destroy the best elements in the shaykh–tribesman relationship. The immense practical difficulties of land settlement in 'Iraq were unrealized, and the whole essential background of cadastral survey and social control was lacking.

In the field of medicine and quarantine the standard of Turkish doctors (rarely Turkish by race) was low, their assistants and inspectors were untrained, their equipment was inadequate. The medical services, accustomed to rely on mission hospitals and dispensaries, were scanty in the towns and non-existent outside. Educational services made a slightly better showing, though standards were everywhere below those of the foreign or foreign-inspired mission schools. Free primary schools, well organized on paper, existed at most towns, and secondary also at the larger. Industrial schools had been founded at Baghdad and Basra, and higher theological learning was available. The military educational system was distinct. The sons of civil notables and high officials went to Istanbul to complete their Turkish education, and a few sons of the greater shaykhs to the Tribal College. The teaching profession was ill reputed and unpopular, its methods primitive.

These do not conclude the list of the 'imperial' departments. The Public Debt administration, handling selected revenues on behalf of the European creditors of the Porte: the local offices of the Régie Co-intéressée who held the monopoly for the manufacture

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

619 721 The lower Euphrates country of the Muntafiq owed little during these years to Turkish administration. The record of the time is of strife and intrigue connected, to a remarkable degree, with the personalities of the wilaya capital. From 1900 until 1908 the allegiance of the tribe was divided between Sa'dun Pasha and Falih Pasha, the former as heir to his father's policy of resistance to Turkish pretension, the latter inclined to Ottoman service. Turkish military intervention led to a remembered massacre of their troops at Shaṭra in 1904; but the author, Sa'dun Pasha, found pardon and a way to Government favour by ostentatious backing of the C.U.P. Supported in 1910 by Nadhim Pasha, Sa'dun by his oppression involved himself in a general revolt of the tribesmen, followed by the visit of a Turkish commission of inquiry which led to a reversal of policy against him. Military operations ensued for the hundredth time. Sa'dun himself was decoyed on board a gunboat at Baṣra and sent in exile to Aleppo, there to die in suspicious circumstances. This gave the signal for a general rallying of the Muntafiq to his gallant but shallow and unstable son, 'Ujaymi, who succeeded to the precarious headship of a tribe from which unity and loyalty had been by now for ever banished. This alignment of forces on the lower Euphrates remained, not without sudden and bloody vicissitudes, until 1914. The temporary eclipse of the C.U.P. late in 1912 led to the outlawing of 'Ujaymi and the brief ascendancy of the sons of Falih. But the tide turned; 'Ujaymi was again recognized as paramount, could again lead Muntafiq forces against the Dhafir, support the Amir of Ḥa'il, and create panic in Baṣra. The outbreak of war found him encamped near Zubayr, menacing but undecided.

619 721 423 Areas of maximum unsettlement were not only those by their terrain the least accessible to Government and to the penetration of modern forces, but those also where a fair economic background was precluded by a vicious system of landholding. The annual reallotment of the *muqaṭa'as* in 'Amara sanjaq, with its many examples of Turkish clumsiness and venality: the unreal and tribally repugnant landlord-tenant relationship in the Muntafiq: the tangle of rights or claims in the Shamiya and Hindiya areas as between the Sayid families, the heads of warring tribes and the absentee Baghdadi tapu-owners: in these lay the roots of a profound social uneasiness which provided the Turks and their successors with the most baffling and costly of their problems.

619 Central 'Iraq outside the Diwaniya sanjaq had little tribal history from 1900 to 1914. The Rabi'a were settled and accessible, the Zubayd reduced by secession and no longer bellicose, the fragmented tribes of the Diyalā and upper Tigris calling at most for occasional police action. These were areas where living stood at,

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

jects for which local pride was clamouring. Municipal administration was restored to the Turkish pattern of an elected Council and a nominated Mayor, but with the abolition of many of the old abuses and sinecures. As modern and exact cadastral town plans were prepared for all towns and many villages, largely based on specialized air photography, property rights were better established, with good effect on urban enterprise.

Educational and medical services were well conceived, and showed substantial advance on Turkish levels. They felt their way haltingly from the capital and cities to the villages, but were cramped as ever by shortage of funds and of trained teachers and practitioners. Over educational policy there was conflict of views between those, including A. L. F. Smith the British adviser, who felt that teaching must above all be sound and based on moral values, and those to whom more and more schools, however staffed and with whatever standards, were the panacea for backwardness. If it remained, indeed, a generation later, a reproach of the 'Iraqi intelligentsia against the British that too little was done during this decade for education, the defence must be that there could be small value in mass-produced literacy, even if money, buildings, equipment, and teachers had been available, which they were not. Meanwhile the Education Ministry was the first to be by 1923 all-'Iraqi in executive authority. Government primary schools multiplied from less than 100 to more than 200. Graduations from the few secondary schools, in the three cities, began in 1924. Evening classes were formed for the training of secondary-school teachers—the first phase of the later Higher Training College. Primary-school Teachers' Training Colleges were maintained in Baghdad for men and separately for women: in the former some students were specially trained for teaching in rural schools, but to a standard later found inadequate. There was as yet no girls' secondary education, other than private. Government boys' secondary schools were few; post-primary technical schools existed at Baghdad and Mosul only. An American secondary school for boys was opened, under Dr. Colin Staudt, in 1921, another for girls in 1925, both in Baghdad; the former, like Van Ess's school at Baṣra, was an enterprise of the Dutch Reformed Church, the latter of the United Mission of Mesopotamia. The College of Al al-Bayt, to which the King was devoted and for which the Awqaf Ministry found funds, offered a course only in Islamic theology. The Law School flourished. The immense archaeological wealth of 'Iraq was not neglected. Excavation was carried out in 1922 and later by British and American learned bodies at Ur, at Kish, and at Tirkalan near Kirkuk. The finds of the German excavations at Babylon were distributed. The Baghdad Museum,

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Their solution must depend on the simultaneous and widespread working of forces of rural education, reliable security, sound land tenure and properly financed enterprise. Meanwhile, the annual locust campaigns in northern 'Iraq were developed jointly with neighbouring countries. Progress was made in hill-country tobacco-growing and treatment of the leaf on modern lines. Silk experiments continued, though with scant success. Cotton-growing was still restricted by unskilled cultivation and by pests. The produce of the great date-groves of southern 'Iraq was bringing difficult problems not only of improved culture but of organization and disposal, and civil war raged between growers and packers. Of the attempts at modern estate development (p. 17) none had yet succeeded. The projected Agricultural Bank could not, it was found, be inaugurated until clearer land-titles gave security for loans. The Aṣfar Concession was limited and revised to provide for the acquisition and development by the Company of the Laṭifiya estate, south of Baghdad; the Irrigation Department constructed the main canal at the Company's expense, and promising operations on the 65,000-acre area began under European management.

The main agricultural development of the time was that of river-side pump irrigation. This had been initiated before 1914 and moderately extended between 1920 and 1925. Aided by important fiscal privileges, it began thereafter to show remarkable increase, to the point of becoming a main feature of 'Iraq's economy. Installations in the liwās of Baghdad, Diwaniya, Kut, 'Amara, and Diyalā had by the end of 1930 brought the number of pumps to over 2,000, representing a million-acre increase of cultivable area. There was evident value in thus attracting capital to agriculture, utilizing the cheap oil available, exploiting the high-lying virgin lands, and avoiding the precarious chances of flood irrigation. But the development was not free from trouble. The attraction of cultivators to new lands rather diverted them from old than increased their numbers; improvement in yields, due to fresh lands and secure irrigation, was not matched by superior type or purity of crops. Estate management attempted by townsmen was sometimes short-sighted and uneconomic, and the hard times and low prices of 1930–1 brought ruin to many hopeful enterprises. These, moreover, jointly undertaken by an urban capitalist—often a Deputy or city notable—and a tribal shaykh or *sirkal*, were productive of puzzling difficulties of land tenure and rights. Neither the traditional occupancy of the tribe, nor the share claimed by the incoming capitalist, had any basis in law. Agreements between the parties often proved unworkable, and in practice did not always bring blessings to the cultivators. These conditions indicated, yet

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423 again, 'Iraq's imperative need not only of a land settlement but of new thinking on the subject of land-holding; the connexion of the pervasive instability and frequent injustice of land tenure with the level of security, with progress in agriculture, with social development, and with fiscal methods was long established. The formation of a State Domains Department, the bringing of old land records from Istanbul, the appointment in 1929 of an abortive Muntafiq Land Commission, the uncounted hours spent by every Qa'im-maqam and Mutaṣarrif in the piecemeal 'settlement' of land cases were all signs that Government was aware of this, its greatest, problem. In 1929 an expert from the Egyptian Service, Sir Ernest Dowson, was invited to study and report comprehensively on 'Iraqi land settlement. His report, submitted in 1932, contained a full analysis of present evils and their cure. It led to the establishment of a Settlement Department under the Ministry of Finance, the passage of a law recognizing and regularizing rights of *lazma*—heritable occupancy—over Government land, and the appointment of Settlement officers—Ditchburn, Aston, Lyon, and Jardine, all from the ranks of the Administration Inspectorate—as Presidents of Land Settlement Committees to start operations in the field. These were steps of great significance to 'Iraq's economic history.

7. FOREIGN AFFAIRS, 1927–32

643x The 'Iraq Kingdom during the last years of the Mandate was able, with the help of its ally, to extend and normalize its foreign relations. This was done by adherence to many international conventions,[1] by bilateral treaties or agreements, by consular or diplomatic representation, by stabilization of frontiers and by exchanges of State visits. While much of this represented normal international co-operation or courtesy, some, on the part of a State on the verge of emancipation, indicated eagerness to see and be seen in world circles. The sensitivity of adolescence in matters of prestige was enhanced by Arab pride and the assertion of an Arab national individuality new to the modern world; indeed, the move towards Arab Unity in more than the sphere of mere culture and sentiment was already implicit.

Until 1931 the duties of Foreign Minister were nominal, and the portfolio held always by the Prime Minister. The 'Iraqi representative in London became Minister in 1928, and the dispatch of Ministers to Ankara and Teheran followed the regularization of

[1] The subjects covered thereby, from 1926 to 1939, included Customs and transit, the rules of war, sea and air navigation, electric and water power, posts and telecommunications, health and drugs, locust control, cinematograph films, and workers' conditions.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

by their many successors in later years was criticized by some as too favourable to the shaykhs and half-absentee urban land-developers, and unjust to the actual cultivators. It was true, indeed, that thousands of these remained legally landless and as dependent as ever; that many shaykhs, whose agricultural functions had been always limited and ill performed, became the registered owners of personal heritable '*lazma* rights' of considerable areas: and that town-dwelling pump-land exploiters were over-rewarded, by similar grants, for their enterprise. The criticism is not baseless, but has been commonly exaggerated. The Committees created no rights; they recorded what rights they found to exist. Their members were officials of 'intelligentsia' type with no shaykhly sympathies (but rather the reverse), and they sought genuinely among the cultivating workers on the land for '*lazma* right' candidates who could produce valid claim to some years of continuous past occupancy or revenue-paying; in tens of thousands of cases they found and recognized them; and only in the absence of such claims were rights registered in the name of the shaykh and his family.

No title was ever assigned to an absentee shaykh, though the residence of some of the grantees might be intermittent and not on the precise lands concerned. Of the rich townsman who obtained title to broad acres, it was just to recall that, spending capital and accepting the grim risks of 'Iraqi agriculture and an uneasy partnership, he had developed lands hitherto desolate and could perform, as the single cultivator lacking wealth, knowledge, and authority could not, the functions of landlordship in organization, capitalization, and improvement. In northern 'Iraq, small-holding was the rule and was defined and stabilized by the settlement; in central 'Iraq, though the new security of tenure and the lessening of boundary squabbles did not wholly comfort the laborious, underprivileged, ever-indebted fallaḥ, whose personal lot was little improved, they removed a large part of the adverse background of shifting rightless chaotic land tenure which had long afflicted 'Iraqi agriculture. The indignation of Abu al-Timman's group under the Ṣidqi régime at the remaining inequalities led to the suspension of *lazma* grants; but the procedure under the original law was soon restored. Meanwhile Government pursued schemes to construct model villages, good in conception but at present trifling in results; and the settlement of nomads was attempted on the Abu Ghurayb and Ḥawija canals.

Agriculture proceeded on its ancient lines, but with an increasing official consciousness of its inadequacy. The bad preparation, the dirt in and adulteration of produce were still the despair of merchants, as were the archaic and wasteful methods, inferior crop

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

even the basic validity—of the oil concessions was a usual move of politicians in opposition.

In the greatest of 'Iraq's industries, that of agriculture, the war was a period of unusual activity, stimulated by the need to produce and by high prices. Agricultural machinery, thanks to lend-lease supplies, was seen almost for the first time in the northern liwās and those of Baghdad and Kut; in 1945 some scores of tractors, mechanical ploughs, cultivators, and combines were in operation, with great effect on 'Iraqi conceptions of agricultural possibilities. Projects for ambitious modern farming took shape among the educated and the owners of capital; a College of Agriculture had been founded in 1941; and a law was passed in 1944 authorizing the establishment of agricultural Co-operative Societies. But none of these measures prevented the increasing drift of countrymen in their hundreds or thousands towards the towns, where war-time employment was plentiful. In the field of land settlement, the committees, which had worked steadily and in increased numbers since 1933, were wisely kept at their all-important tasks throughout the war. Only minor attention was given as yet to southern 'Iraq, and little to Mosul, Arbil, Dulaym, Diwaniya, or Karbalā liwās; but much was done in the dispute-ridden agricultural lands of Kirkuk, Baghdad, Ḥilla, and Diyalā, where good progress was made with definition of land categories, the mapping of boundaries, and the recording of individual registrations over areas which now approached a million acres. Much was heard of plans both for model villages and for the allotment of small-holdings of Government land to single families—a sign that the evils of peasant insecurity, poverty, and lack of incentive were now fully realized. On the Dujayla Canal, dependent on the Kut barrage, work under a special law started in 1945 on a practical settlement of families on sixty-acre State-owned plots, with the incentive of free title to be gained after ten years of work; and meanwhile village institutions and amenities—school, farm offices, nurseries, dispensaries, and a co-operative store—were provided by the Directorate. The Dujayla Scheme was full of promise; it started with eighty carefully-chosen families, later to be multiplied tenfold, and it aroused keen competition for admission.

'Iraq's security after 1941 allowed its vital Irrigation services to continue their canal maintenance and flood protection, their studies and planning, though the intended major projects could not at present be initiated. The work interrupted in 1941 on the Ḥabbaniya–Abu Dibis outlet was completed by 1943, and the intake-channel from the river (begun under Willcocks) and the return-channel to it, were redesigned but not yet undertaken. Pump irrigation was fully maintained.

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Board[1] at its early meetings in 1951 and they were, with possible modifications, to form the basis of 'Iraq's future irrigation activity, whose full realization, however, must, for all the impatience of the public and the press, occupy not less than fifty years.

Works actually completed before the end of 1951 were the re-aligned Ḥabbaniya inlet (Warrar channel) and the return outlet to the river (Sinn al-Dhibban channel), ensuring flood protection and making possible the use of stored flood water. The Wadi Tharthar inlet channel—a work of very great magnitude—was put to tender by the Development Board in 1951; the Samarrā barrage and headworks, and the greater Ḥabbaniya scheme, were to follow later. Much detailed planning and designing remained to be done, even for the immediately following five years, before a programme, especially in lower 'Iraq—'Amara, Baṣra, and the Gharraf—could be established. The extent, however, to which the Willcocks plans of forty years earlier had stood all tests was indeed remarkable. Only the Faluja and Balad barrages (p. 63) had been abandoned, and development in the Baṣra–Ḥammar area might or might not in the end follow Willcocks's plans. The abiding problem of silt deposit appeared partly soluble, by improved headwork design and by mechanical clearance. Pump irrigation seemed by now to have reached its economic limit in much of the territory, but there was ample room for more intensive cultivation of the pump-lands.

The connexion of reasonable and stable forms of land tenure had long been recognized by Government in its land-settlement activity, and the latter had a creditable volume of achievement to show after eighteen years of sustained effort. Early criticism of the procedures adopted (p. 261) and the progress of the work itself throughout 'Iraq (p. 323) have been elsewhere described. Five more years' work since the end of the war had defined, delimited, and recorded the personal rights in other wide areas. The abiding problem of Muntafiq land rights had not yet been solved; in 'Amara an answer not very different from the *status quo*, but with longer-term security for the shaykhs and greater fragmentation was likely to be found. Elsewhere the hard case of the landless fallaḥ was little changed wherever he had been unable to establish a basis of title and, at the opposite extreme, the good fortune of

[1] The Board's six-year plan, legalized early in 1952, provided for year-by-year expenditure, from 1951–6 inclusive, on the Tharthar project, to a total of (in thousands of ID) 10,300: on the Ḥabbaniya, 2,200: on the Diyalā dams and canalization, 6,750: on the Dukan dam, Ḥawija barrage, 'Udhaym barrage and canalization, 6,750: on the Bakhma dam, 8,700: on irrigation works in Mosul and Arbil liwās, 1,900: Tigris barrage and canalization, south of 'Udhaym mouth, 1,800: and main drainage, 4,100. New and re-formed canalization on the middle and lower Euphrates, lower Tigris and Gharraf, and Baṣra area were allotted 10,425.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

423 565 those to whom mere shaykhly birth or recent business enterprise had brought title-deeds was obvious and envied. There was indeed room for criticism on various lines. The Government had parted with its right of free disposal of wide lands hitherto legally unencumbered though in fact occupied; this might obstruct later development plans. Vested interests had been over-generously recognized: land reform on an equalitarian pattern was, as the left wing of Baghdad politicians (and some foreign observers) insisted, as far off as ever. Nevertheless, within the limits of society and economics as they were, a great work of stabilization had been done. Disputes were few, confidence had been increased, and a return to the pre-settlement conditions of agrarian jungle law was unthinkable. For both the small and the large holding, for peasant-proprietorship, the capitalist's scientific farm, the Land Development Company and large-scale Government enterprise on its own vast unencumbered estates, there was clearly room in the 'Iraq of the future.

433 Though the limits within which industry was likely to develop were by the mid-century well understood, not least by the Director-General and the Committee for Industrial Research, there had been a measure of expansion during the last five years. The legal basis for its encouragement, which was the policy of every successive Ministry, had been altered by the cancellation of the 1929 law and of licences issued under it in favour of a new law of 1950. The latter granted important privileges to undertakings which were power-operated, employed 90 per cent. or more of local workers, cost at least ID 5,000 to erect, and used more than half 'Iraqi capital. By 1951 thirty-five projects had been accepted as fulfilling these conditions, and the Industrial Bank made loans to a number of them. Of the industrial output of such enterprises some was on the humblest scale and of slight interest; such was the production of sweets, macaroni, date-treacle, articles made in Kurdish marble, ceramics, wax matches, buttons, reprocessed glass, unglazed tiles, and aluminium pots. Manufactures on a less inconsiderable scale were those of flour, vegetable oils, cardboard and wrapping paper (made from wheat and rice stalks), soap, knitted goods, sausages and preserved meat, methylated spirits, 'araq, concrete pipes, plastics, steel windows, and tubular furniture. An earlier brewery having failed, a modern brewery using local barley began the production of excellent beer in 1949. An ambitious enterprise for the manufacture of jute gunny-bags was in course of establishment. Brickworks had continued to develop on modern lines, and were capable of meeting all local needs. 'Iraqi cigarettes had gone far to supply the country's smokers, from modernized as well as hand-operated workshops; only Kurdish-grown tobacco was used.

2: Dowson G-5 (1929-30) 1932 MH Iraq MH

An Inquiry

INTO

LAND TENURE AND RELATED QUESTIONS

PART I.—SCOPE AND PROCEDURE OF INQUIRY

185 1. The considerations which led Government to ask me to visit el 'Iraq in the winter-spring season 1929-30 were briefly summarised at the time. The necessity of setting up a sound system of settlement and registration of rights to land as an essential preliminary to agricultural development was urged. It was represented that until effective measures to achieve these ends had been devised and put into operation, agricultural development must either be delayed or based on unstable foundations. It was emphasised that while the country was full of agricultural possibilities and only required development on sound lines, it lacked the necessary basis of a sound system of land registration. And it was explained that the Departments of Revenue, of Land Registration and of State Domains were pursuing reform without proper co-ordination and on no connected plan.

The main objective was the promotion of agricultural development. The particular needs were adjudged to be (i) the execution of a settlement of rights to land throughout the country, (ii) the establishment of an efficient system of book-keeping of those rights, and (iii) the unification of divergent and disconnected Departmental efforts. I was asked to study the problem as a whole and to advise how it should be attacked. As outlined that problem appeared to be essentially one of organisation and procedure for attaining two accepted objectives: a just settlement, and an efficient register, of rights to land. I anticipated that the requisite information regarding existing conditions would be readily available: and I expected that the discussions of previous years would have produced clearly defined issues. But I had not allowed for the peculiar fluidity and diversity of methods of land tenure practised.

423 427 It proved to be common knowledge that the tenure of some four-fifths of the cultivated land in the country was not governed by law, was not amenable to the jurisdiction of the Courts, and was not regulated in any methodical way at all. It was also common knowledge that the land law was defective and uncertain in its application to the other fifth. And it soon appeared that there was an almost complete lack of precise, authoritative and systematic information in the Headquarter Offices of Government in regard to land conditions generally and to the methods of holding, transferring and transmitting land actually practised from day to day by the great mass of landholders and agricultural peasantry throughout all parts of the country.

121 It therefore became necessary to extend the scope of my inquiry to include an investigation of the conditions of land tenure actually operating throughout the country, as distinct (for the most part) from those

121 enshrined in the Statute Books of Government. And since the taxation imposed on agricultural production is one of the most important practical conditions attaching to the utilisation of land, a study of such taxation had to enter into the inquiry. Nor could any investigation of conditions of landholding in el 'Iraq be intelligible or real which did not pay careful regard to the methods of irrigation, public and private, the prevalent forms and standards of cultivation, the distribution and remuneration of agricultural labour. It was not of course possible within the period of a few months to cover this vast field of investigation as thoroughly and completely as the occasion demanded: but owing to the widespread and generous collaboration aroused, the results provide an adequate basis for immediately useful measures.

121 185 This general study of existing conditions had to precede consideration of the three objectives originally indicated, if Government was to be sure of its ground and to be provided with a trustworthy foundation for progressively constructive reform. For settlement of rights to land pre-supposes and requires some stable bases of land law, or at least of legalised custom, on which such rights can be founded. And so far, by common admission, such bases rarely exist, nor do the discussions of previous years appear to have advanced agreement as to the remedy. Again although an efficient Land Register is indispensable in due course, both for the operation of the statutorily registered tenures, and for any orderly regulation of the enormous residue of (so-called) State Domain, yet the execution of a settlement of rights to land must precede the establishment of such a Register. For an effective Land Register is nothing but an intelligible and dependable record. Its function is simply to mirror clearly and faithfully rights to land existing at any and every moment. It is useless to devote money and effort to rectifying and burnishing the mirror, so long as it will only have an unintelligible tangle to reflect. Attention must first be directed to unravelling the tangle.

185 Further, while it is certainly true that no united effort had been made, and no connected plan pursued, by the three public services mentioned, yet it will be recognised that, as subordinate Departments of three separate Ministries, they were not in a position themselves to adopt any general scheme of reform. This is clearly the responsibility of Government as a whole. And, as will appear later, if any well-concerted and effective measures are to be undertaken, the better co-operation and co-ordination of the efforts of these services will not be enough.

423 2. The lack of a well-documented collection of information about existing conditions of land tenure throughout the country was not on consideration surprising, having regard to the vicissitudes of modern el 'Iraq's short history. There must have been an enormous amount of spade work to be done in establishing orderly government throughout the country during the last ten years: and the current needs of administration no doubt completely absorbed the time and energies of those who might otherwise have undertaken a systematic collection of trustworthy information. The collection of such information, particularly in statistical form, is apt to be a slow development in any country. It requires time, a scientific appreciation of the value of exact data, and the resources of a well-established and experienced public service. And in connection with land it requires a more comprehensive and far-sighted outlook than a number of disunited Departments can reasonably be expected to produce.

423 184 The collection of a representative volume of trustworthy information was also attended by peculiar difficulty, owing to the extreme diversity of conditions prevailing throughout the country. This diversity

is partly the outcome of historic causes and has partly been generated by differing local conditions and ethnic origins. Under Ottoman administration present-day el 'Iraq comprised the three vilayets of Mosul, Baghdad and Basra, each somewhat jealously watching, and watched from, the capital. This separatism was accentuated by divergent economic orientations. Mosul looked primarily northwards; Baghdad to Persia and the bordering desert; Basra to the sea. And superimposed on the traditional differences between the ancient vilayets were the more varied and more stubborn ones arising from differing natural conditions. Local social influences combined with these varying conditions to produce different practices, as well as to promote different policies, in different districts.

The general absence of reliable information was nevertheless baffling. For although principles are useful guides, and illuminating discussions can be based on generalities, which may or may not be true, a more dependable foundation is needed before measures of constructive reform can be confidently embarked upon.

3. My first care was to seek copies of all important previous papers dealing with the land problems of the country. Naturally many were unobtainable, while others were rare or fragmentary; but a number of those that remained call for gratitude and acknowledgment from a later worker in the same field. Several papers, written in the days of the early administration by experienced officers of the Indian Government, outlined measures for settlement which, if steadily applied and developed, should by now have gone far to mitigate, if not remove, the worst existing disabilities. Unfortunately, the promise of this preliminary work was interrupted and never took shape.

A fresh impetus seems to have been given to the consideration of reform by an extremely able "Note on Land and Revenue Policy" written by Mr. S. H. Longrigg, late Inspector General of Revenue, in May 1926. A series of most interesting and instructive discussions followed. But the writers commonly recognise the unavoidably academic nature of many of these discussions and the need to subject proposals to experimental trial, owing to the absence of adequate information of existing conditions. It is greatly to be regretted that such trials were not made. Measures of reform consequently continued to be confined to paper debates. This sterile result was ascribed to the lack of a formal acceptance and pronouncement by Government of its intended policy. Actually the fewer pronouncements of abstract policy that are made the better for the prospects of useful reform. The failure to do anything appears in fact to have been primarily due to the lack of a competent executive service charged with the study and conduct of such reform.

4. Even if there had been full and exact information available at the Headquarter Offices of Government, it would have been desirable that I should visit each province (Liwa) and get in touch with its conditions on the spot. The general lack of such information made it imperative to secure some expression of the great volume of local knowledge and experience of the actual operation of land tenure and its incidentals from day to day, that was dispersed throughout the country.

The procedure adopted for my inquiry while in el 'Iraq may be summarised under five heads. Firstly, I endeavoured to secure copies of all important correspondence and papers dealing with the land problems of the country as already mentioned.

Secondly, I drew up a questionnaire which was issued by the Ministry of the Interior to all provincial (liwa) authorities. This asked (i) for the

proper picture of the whole, I have confined myself in these pages to what may be described as the general aspects of the question as distinct from those of particular localities. Nor has anything like the attention the subject deserves been given to pastoral rights. For while settlement of rights to grazing and pasture is also required, they do not call for such rigid definition, nor is settlement of such rights so urgently needed as of rights to cultivable land, unless the two conflict. Consideration of the Land Revenue system in force when I visited the country has also been omitted, as this system has since been superseded (see ii, 4).

In pursuance of the attempt to restrict attention at this stage to those phases of the problem which call for action first, I have also avoided consideration here of many features or incidentals of existing land tenure, which may be intrinsically of as great importance as others that are examined. Among matters which are not examined in this report for this reason may be mentioned: the various forms of dedication in *waqf*, the conditions of *milk* tenure, the escheat of tapu tenure for failure to cultivate or failure of heirs, known as *makhul*, the charge known as *ushr*, the position of newly formed land in a river termed *shatt*, the old and new forms of hypothec or mortgage. These almost exclusively affect the registered tenures, and are best considered in the general study and amendment of the land law which is advocated (see vii, 1). Similarly the much-debated question of the conditions under which acquisitive prescription of tapu tenure should come into effect, can have little practical value, until the Government is in a position to implement its statutory tenures. Important established customs affecting State Domain, which are not entered into for the same reason are the *mugharisa* and *ta'aba* systems of planting and tending gardens and groves.

Finally, I have thought it best, on these grounds also, to restrict detailed discussion of proposed measures to those required for the initial execution of reform. While the character of measures that would be required subsequently to conserve the benefits attained by reform have had to be indicated, no attempt is made to formulate them in detail.

Even generalised and truncated in these ways the main problem remains a difficult one either to present or to master; but it has not appeared to me possible to simplify it further without distortion. The study of the land tenure of any country, with a view to practical and realisable reform, is no light undertaking; and that undertaking is attended with peculiar difficulties in el 'Iraq for reasons which are explained.

To facilitate reading and reference I have divided this report into nine parts, which I have endeavoured to make as self-contained as possible. This necessitates some repetition and discontinuity on consecutive reading; but it is impossible to present this intricate question in any readily digestible form. The subject matter of each of these parts is given on the contents page and need not be repeated. The last alone calls for explanation. It has been written in response to numerous inquiries, official and otherwise, when I was in el 'Iraq, regarding the wider setting of the problems of land tenure in relation to the general development of the country as a whole and to the other great ameliorative movements needed. It concludes with a summary of the main recommendations made. It is hoped that this part of the report may be of assistance to those who, while impressed with the critical importance of a constructive reform of land tenure, may be unable to study the whole of this report textually.

2: Dawson G-5 (1929-30) 1932 MHI Iraq MHI

PART II.—EXISTING CONDITIONS. THE LAND AND THE LAND SURVEY

● 123 1. The conditions of land tenure throughout el 'Iraq may be described generally as in various stages of divorce from innumerable primitive practices, but still rarely wedded to law. These conditions vary so much not only from province to province, but from locality to locality and from community to community, that no picture of them can be presented which combines fidelity of detail with a comprehensive view. Those who are familiar with the variations, even within one province, will appreciate the extreme difficulty of focussing the whole kaleidoscopic panorama into one generally intelligible picture. And yet it is impossible to plan or proceed with any sober and reasoned national attack on the unhealthy situation prevailing, without some dependable general diagnosis of that situation.

Neither effort nor time has been spared to secure this indispensable foundation for land reform and it is believed that the general analysis of existing conditions is fundamentally reliable; but it must always be remembered that no generalised statement can faithfully reflect the multitudinous local variations which exist everywhere. This does not matter provided the broad outlines of the analysis are sound, its limitations are understood and the need for some latitude in the application of reform later is recognised.

2. Area and Distribution of Cultivated Land

128 2. The data needed to compile a general map of the country showing the distribution of the land by its physical situation and agricultural potentialities not being available in the Headquarter Offices of Government, an attempt was made to remedy this deficiency. In response to a request already mentioned the Provincial authorities compiled a diagrammatic map on a scale of 1:250,000 showing the distribution of the land in each Province (Liwa) in certain broad classes. The Irrigation Department gave invaluable assistance in collecting the information on which the classification was based in the southern liwas, and the Survey Department in the preparation of the maps and the extraction of areas. The Land Registry (*Dairet el Tapu*) spared no effort to contribute, so far as their records allowed, the location of registered holdings. The original map sheets were left for consultation in Baghdad. The broad results are illustrated in Plates I and II, so far as the smaller scale used therein permits. The areas of the different varieties of land shown are given in Table I.

The compilation was a much more difficult and laborious task than the final simplified results suggest. The greatest trouble was taken by all those who collaborated to ensure that the maps represented the facts as faithfully as the conditions permitted. But it will be appreciated that the details given must not be regarded as reliable. This is due to the impossibility of analysing and classifying the land surface of the whole country with any approach to accuracy either in the time, or on the basis of the unavoidably defective general map series, which was alone available for the purpose. But poor as the component detail must be expected to be, the broad conclusions represented on the maps and in the table should constitute a sufficiently reliable analysis of the character of the land surface of the country as a whole, for immediate purposes.

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI

About four-fifths of the country consists of unproductive or slightly productive desert, steppe, marsh and hill masses. The productive core is divided broadly into two regions within which cultivation is practised regularly. The northern region is fed by rainfall supplemented by perennial streams rising in the mountains and, to a limited extent, by lift from the rivers. The southern region largely depends upon irrigation, supplied by canals drawn from the river system, following winter rainfall. The former may be appropriately called the Rainfall Zone, and the latter the Irrigation Zone. Actually the southward extension of the northern rainfall varies annually, while the date gardens of the Basra Liwa constitute a distinct (and of course economically a very important) study. But this does not affect the correctness of the broad picture presented.

Reference to Table I will show that the region of cultivated and cultivable land within the Rainfall Zone covers about 41,000 square

TABLE I. APPROXIMATE CLASSIFICATION OF LAND SURFACE, 1930

Expressed in square kilometres

Liwa	Total area all land	Hill mass	Cultivated Region: Rainfall Zone: †3% hill mass	Cultivated Region: Rainfall Zone: Plains	Cultivated Region: Irrigation Zone: Canal fed territory†	Cultivated Region: Irrigation Zone: Marshes fed territory†	Additional potentially cultivable territory	Total cultivated and cultivable region	Territory containing tapu holdings	Size of holdings in miskaras*: 1-100	101-500	501-1,000	Over 1,001
Mosul	43,800	2,350	190	14,580	—	—	270	15,040	7,870	—	—	—	—
Arbil	16,600	7,620	150	7,010	—	—	—	7,160	2,420	7,416	728	500	—
Sulimani	9,500	6,400	120	2,420	—	—	—	2,550	2,280	—	—	—	—
Kirkuk	20,800	—	—	12,030	—	—	3,240	15,280	6,280	—	—	—	—
Diyala	16,200	—	—	710	2,760	90	260	3,820	3,410	4,092	—	546	—
Baghdad	22,100	—	—	—	1,710	2,270	690	4,670	1,500	162	220	120	340
Dulaim	124,300	—	—	—	920	630	20	1,570	920	2,344	109	121	3
Karbala	21,300	—	—	—	660	—	20	680	620	—	—	—	—
Hilla	8,100	—	—	—	4,570	330	1,630	6,530	2,380	452	364	98	82
Kut	16,400	—	—	—	4,080	3,980	2,170	10,710	2,580	—	—	—	—
Diwaniya	83,000	—	—	—	3,770	2,180	5,320	11,470	2,270	8,378	—	155	69
Muntafiq	38,700	—	—	—	4,440	270	370	5,080	6,260	—	—	—	—
Amara	19,700	—	—	—	5,670	1,010	—	6,680	110	—	10	5	50
Basra	10,900	—	—	—	610‡	60	110	780	1,190	—	—	—	—
Totals	432,500	23,370	470	36,740	29,730	10,700	14,300	92,200	40,060	—	—	—	—

*Where information was available. Such information must not be presumed to be exhaustive. A miskara = 2,500 sq. metres or thereabouts.

†Territories so classified are at present very incompletely irrigated. ‡Tidally watered date gardens.

kilometres, and that within the Irrigation Zone about 51,000 square kilometres. These figures represent 9 per cent. and 11 per cent. of the total land surface of the country respectively. The cultivation is preponderantly of an extensive character. Only a fraction of these zones, possibly from a fifth to a tenth, appears to be actually cultivated in any given year. So that land is available for a very great development of agriculture, when other factors are favourable.

The information given in the table regarding the size of holdings is derived from fiscal returns. Although the classification of these holdings by area cannot be expected to be accurate, the figures possibly give some indication of the frequency of larger and smaller holdings in the districts actually concerned. The latter must not be taken to coincide with the cultivated areas of the liwas themselves.

3. Agricultural Population

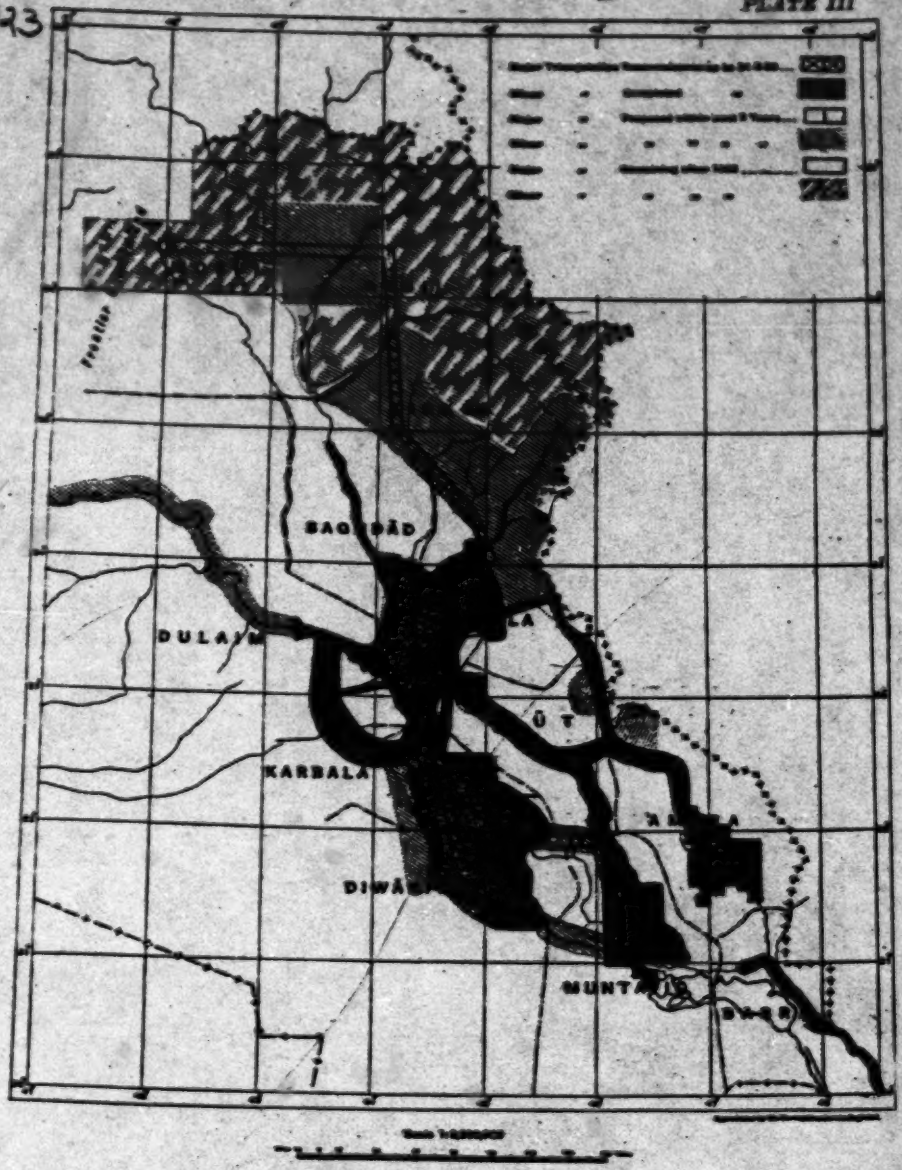
3. In any general study of the land tenure of a country it is desirable to know the numbers and distribution of the agricultural population. Thus it would greatly assist in planning development in el 'Iraq if trust-

2: Dowson G-5 (1929-30) 1932 MH Iraq MH

DIAGRAM ILLUSTRATING PROGRESS
OF TRIANGULATION SYSTEM
IN 'IRAQ

PLATE III

#123



[Facing p. 13]

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI

651 TABLE V. NUMBERS OF SEPARATE LAND REVENUE PAYMENTS, 1929
Expressed in thousands

	Summer crops	Winter crops	Dates	Other fruits	Tobacco	Totals
Mosul	10·2	38·7	—	14·6	1·2	64·8
Arbil	3·1	9·6	—	3·6	—	15·3
Sulimani ..	4·0	5·0	—	4·3	3·9	17·2
Kirkuk	1·0	9·1	0·1	0·7	—	10·9
Diyala	1·4	6·0	10·6	6·8	—	24·8
Baghdad ..	2·0	7·6	2·1	1·3	0·5	13·5
Dulaim	3·3	4·5	3·0	0·8	—	10·6
Karbala ..	0·4	1·5	8·7	3·6	—	14·2
Hilla	2·5	8·6	9·8	2·3	—	23·2
Kut	0·4	0·6	1·5	0·6	—	3·3
Diwaniya ..	10·0	9·6	16·3	3·6	—	39·5
Muntafiq ..	1·6	1·9	15·5	0·7	a few	19·7
Amara	0·1	0·2	0·2	0·1	a few	0·6
Basra	0·2	0·4	15·4	0·2	—	16·2
Totals	38·2	103·3	83·2	43·4	5·7	273·8

ing tables, which were prepared with a view to such discussion, are still of interest and value. And it should be added that the great difficulty experienced in obtaining precise information about the land, did not refer to the financial statistics of land revenue or to the nature of the methods in force. For a number of past years full and clear reports of the working of the Revenue Department have been published.

The three tables explain themselves: but it should not be overlooked that Table V is concerned with the number of land revenue payments made, not with the number of land revenue payers. Thus the same payer (or group of payers) may pay on a summer crop, on a winter crop and on a date grove. And each payment may represent more than a single parcel. Fuller study of the original returns should enable some idea to be obtained of the total number of holdings in the country.

5. The Land Survey

● 423 5. Before turning to a consideration of the methods of land tenure in force it is desirable to consider briefly the existing position and prospects of the national land survey. It is the duty of such a survey to provide exact and detailed knowledge of the land surface of the country, primarily—but far from exclusively—in the readily assimilable form of the graphic miniatures of the ground which we term maps. The critical importance of the survey in relation to all measures of land reform, whether of tenure or development, cannot be stressed too emphatically. A scientifically dependable and functionally suitable survey is an indispensable condition of the successful execution and maintenance of any comprehensive measures of land reform. All experience shows that to attempt such reforms in the absence of an adequate survey is to build without a foundation in the dark. The intricacy and magnitude of the task of executing and maintaining a national survey is not usually realised, probably because of the deceptive simplicity of the form in which the mass of information collected is presented to the public. The great gulf between a trustworthy and an untrustworthy survey, and the conditions necessary to secure the latter are even less commonly appreciated. It is most desirable that this should be rectified; for while a trustworthy survey is indispensable to all comprehensive measures of land reform, an untrustworthy survey is a dangerous misuse of public funds.

000 The first and most important condition to be satisfied is the provision and maintenance of a thoroughly dependable framework, on

000 which the maps can be built up and by which their accuracy can be controlled. The main components of a survey framework are normally, and preferably, furnished by a network of accurately determined points, arranged for purposes of mathematical control in several series of well-shaped triangles of decreasing size. It is essential that these points should be well marked on the ground and that the marks should be carefully preserved and safeguarded against disturbance. Subsidiary points in such a framework differ according to the nature of the ground, the character of the work and the scale on which it is to be mapped. Such subsidiary points may be added in conjunction with, or just prior to the execution of the detail work.

The selection of the sites of the major, or largest series, of triangulation points calls for special aptitude and experience, while the determination of their geographical positions demands highly skilled observation and mathematical computation. It is only when the major triangulation network has been constructed, observed, computed and linked up as a whole, with the corresponding networks in neighbouring countries, that a finally satisfactory foundation for a national survey has been laid. But this may take a long time; and for immediate practical purposes the important steps are to get (i) the major triangulation completed in large blocks well in advance of all other work, and (ii) the ground marks protected. The subordinate series of triangulation, any subsidiary systems of reference points, and the ultimate detailed survey, are then progressively controlled, so that the land survey is consistent and dependable as a whole and no serious error can pass undetected.

123 Plate III illustrates the progress of the major and minor triangulations in el 'Iraq. It will be seen that the survey framework of the country is in a very unsatisfactory condition. It is absent in the north, while in the south the minor triangulation has preceded the modest backbone of major triangulation projected. And unfortunately the permanence and reliability of the work is being continuously undermined by the removal of the indispensable ground marks by mischievous or ignorant persons. Plate IV illustrates the position of the detail survey throughout the country. It will be seen that several solid blocks of map work mainly on a scale of 1:10,000 have been done in the south on a framework of minor triangulation. The maps are purely topographical maps, sometimes contoured to meet the requirements of the Irrigation Department. The quality of the field work so far as I was able to see it was good; but the publication of the maps is in a very backward state.

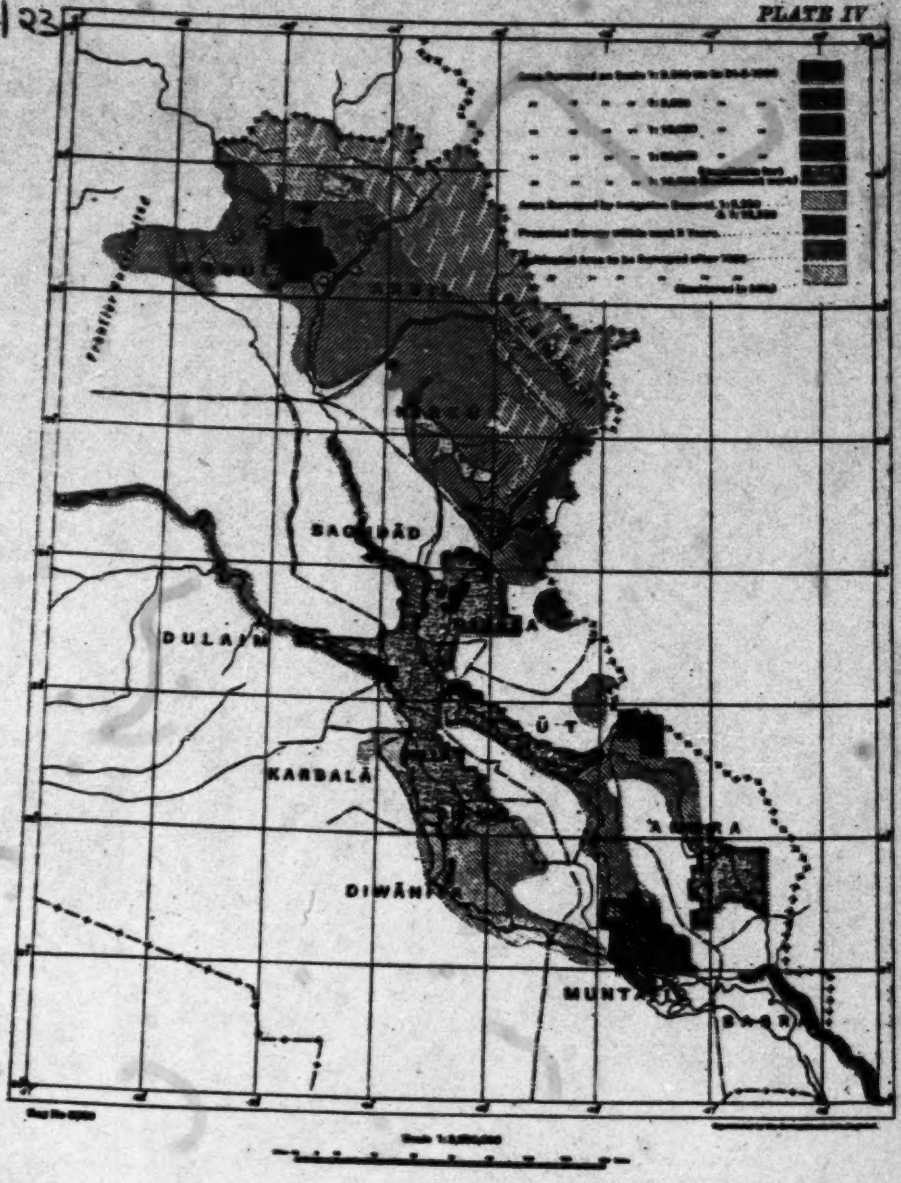
The progress as well as the general value of the work has been very adversely affected in the past by uncertainty in programme and in resources, and by continual diversions of survey staff to meet scattered and often ephemeral demands anywhere and everywhere. The number and insistence of these demands emphasises how widely the need for a complete national survey is felt. And it was doubtless impossible to avoid and difficult to restrict these sporadic demands, when endeavouring to introduce modern administrative and technical methods in a country that was virtually unmapped. But nothing has retarded the land survey of the whole country so much as the obstacles to steady and economical progress that have been imposed by continual variations in programme, in general objectives and in resources.

According to the present programme, work on the 1:10,000 scale should be completed throughout the Irrigation Zone by the end of 1933 or 1934. At the same rate of progress the extension of the work over the plain area of the Rainfall Zone may be expected to take another six years. But this forecast will only be realised if a steady programme is adhered to, and if effective measures can be taken to prevent the removal of ground marks. Important weaknesses in the organisation of the Survey Department are considered in Part VIII of this report.

2: Dowson G-5 (1929-30) 1932 MH1 Iraq MH1

DIAGRAM ILLUSTRATING SURVEYS
IN 'IRAQ

PLATE IV



[facing p. 15]

2: Dowson G-5 (1929-30) 1932 MH1 Iraq MH1

PART III.—EXISTING CONDITIONS. STATUTORY TENURES

1 AND 2. STATUTE LAW

1. The foundations of the statute law governing the tenure of land in el 'Iraq are the (old) Ottoman Land Code of 1274 (1858), and the Land Registration (Tapu)* Law of the following year. These laws were supplemented, amended, modified, amplified and curtailed by subsequent Ottoman legislation, or orders deemed to have the force of law, while the country remained under Ottoman jurisdiction. And there has also been a certain amount of recent el 'Iraqi legislation applying to land tenure. The basic concepts of the two first laws are for the most part generally recognised, although the position of the statute law on land tenure is far from clear on many points and although, as will appear more fully later, throughout the majority of the land, these laws have been largely disregarded.

The Land Code recognises five legal categories of land:

(1) Mulk (El arazi el mumluka). Land held in undiluted ownership assimilated to that of chattels. Such ownership is governed by the provisions of the Sacred Law and not by those of the Civil Statute Law.†

(2) Miri (El arazi el amiriya). State land the usufructuary possession (tesaruf) of which is granted out on the registered tenure prescribed in Book I of the Land Code.

(3) Waqf (El arazi el muqufa). Land, some right over which has been dedicated to a pious purpose.

(4) Matruka (El arazi el matruka). Land "left" or specially reserved for some public purpose.

(5) Mewat (El arazi el mewat). Dead or unreclaimed land.

This classification has never been applied as a whole in el 'Iraq and is not applicable as it stands. The third category (Waqf or Dedicated Land) is redundant. Land must belong to the first category (mulk) to be truly dedicated in waqf in accordance with the Sacred law. The untrue dedication, known as takhsisat (appropriated) waqf, is restricted to interests in the revenue arising from the land (tithe, fees, etc.) and leaves the category of the land unaffected. For practical purposes untrue waqf is confined to dedication of interests arising from land of the second category, but takhsisat waqf in mulk interests (e.g. tithe) may exist.

While the third category is unnecessary no provision is included for cultivated and cultivable land that is retained in the legal possession, as well as the legal ownership, of the State. State land of the second category (miri) is confined to land of which the legal possession is granted out on registered tenure to third parties for exploitation. State land of the fourth category (matruka) is land reserved for public purposes. State land of the fifth category (mewat) is waste unexploited land.

* Turkish dictionaries derive this word from the verb tap-mak to worship, whence an act of homage, an acknowledgment of oneself a vassal, especially by the acceptance of a feudal fief. Hence a title deed, etc.

† Mulk means property. Everything that is owned, whether movable or immovable, is mulk. Immovables classified as mulk (i.e. property) are in the absolute ownership of the proprietor. "Every man can deal as he likes with his mulk," Majelle Art. 1192.

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI

Even the terminology of the law is generally misunderstood and misapplied. Thus, by a curious but comprehensible reversal, the term miri used in the Land Code to denote State land of the second legal category (granted out on registered tenure) is applied in el 'Iraq to land retained in the legal possession of the State. On the other hand, land conforming to the second legal category is loosely described as tapu, or as arazi mafuwida,* or even sometimes as mulk, in contradistinction to the local use of the term miri just mentioned.

Again the distinction made in law between State land of the second, the fourth and the fifth categories is ignored. Indeed I found the words matruka and mewat, and even mahlul (loosed), used purely descriptively and interchangeably for waste lands. But the formal connotation of the last term was recognised if specifically raised.

Evidently a classification of land that is to constitute a useful basis for the land law should conform to, and comprehend, all real differences which require different treatment. Subject to consideration of points still awaiting decision, four categories may be provisionally suggested as necessary and sufficient to enable present law, present practice and present requirements to be reconciled:

(*a*) Mulk or land held in private ownership as at present.

(*b*) Miri or State land retained in the full legal ownership and possession of the State which may be exploited directly or indirectly at its discretion, subject to due recognition of established occupancy rights.

(*c*) Tapu or State land, the legal possession (tesaruf) of which is granted out on the registered tenure laid down in Book I of the Land Code.

(*d*) Matruka or State land specifically reserved by law for public purposes. This corresponds to the fourth existing legal category but some more readily understood term (e.g. manafa' umumiya) would be preferable.

While this provisional classification recognises two categories of State land (*b* and *c*) since the State retains the full legal ownership (raqaba) in both cases, the term miri is in current practice restricted to State land of which the usufructuary possession (tesaruf) has not been granted out. The term tapu or arazi mafuwida is applied to State land the tesaruf of which has been granted out. Although not in conformity with the terminology of the law, the terms miri and tapu used in this way are clear and understood in the country. They are consequently adhered to throughout the remainder of this report unless otherwise stated.

The utility of category (*d*) may not at present be recognised. As the country develops it should become an extremely important class of land, which may not be leased or granted out or exploited in any way except in accordance with the public purpose enacted. Public utility land should only be created and annulled by law and should receive special protection from encroachment, damage and improper use. Timely provision of this nature will save the loss of many valuable public rights and much public expenditure later if the country develops. As instances of such public utility lands may be cited (i) all widths occupied by or reserved for the service of public roads, railways and waterways of all sorts, (ii) sites of historic importance or public interest, (iii) areas required for reservoir or flood storage, for public buildings or for other innumerable national purposes.

*This term seems to have no legal basis. It appears to have been adopted as an equivalent of the expression "alienated lands."

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2. The introduction of the Ottoman Land Code, and more particularly of tapu tenure, by Midhat Pasha about 1870, was a serious attempt at land reform in el 'Iraq which failed through no want of perseverance or sincerity of purpose. It failed for two reasons, either of which would have been decisive. It was foredoomed to fail, as it failed generally throughout the Ottoman dominions, because the administrative experience and machinery, the technical knowledge and the qualified staff needed to accomplish so formidable a task, were lacking. It was also foredoomed to fail because it attempted prematurely to cast in a rigid (and an alien) mould the fluid practices of a still preponderantly primitive society. Land reform cannot be imposed on a country as an exotic by any outside agency. To be successful it must be suited to local needs, conform to local ideas and conditions and be established gradually by Government and people together. Essential preliminaries to success were a sympathetic adaptation of the Code to meet these requirements and a sympathetic initial investigation and stabilisation of existing occupancy and other customary rights. Moreover the construction and maintenance of a reliable Land register would have been indispensable. These were not the only essentials of success, but they are those that chiefly concern us here. Probably none of them were sufficiently understood at the time. Certainly none of them were satisfied. While the causes of the failure must be analysed if a repetition of these old errors is to be avoided in a modern and better managed effort now, they must be recognised to have been not unusual ones at the time. And although the Ottoman Land Code has never been properly assimilated or generally applied in el 'Iraq, yet it has gradually affected both local concepts and local practice deeply. It would therefore in my opinion be an error resembling that originally made, to abandon this Code now for an entirely strange one as Turkey herself has done. The old Ottoman Land Code is no longer an entirely foreign code and it can be more readily and more closely adapted to local needs than any new importation. It unquestionably requires to be drastically mended, but it certainly should not be ended.

3-5. Registered Tenure

3. Outside of the towns and certain garden reaches the private ownership of land (mulk) is rare in the country. As already noted true waqf land can only be constituted from mulk and is correspondingly limited, while untrue waqf is restricted to a dedication of some financial interest in the land affected. There is little differentiation in the Sacred law between movables and immovables held as private property (mulk). But an Ottoman law of 28 Rajab 1291 (September, 1874) required that the latter (including trees and buildings on miri land) should all be registered and forbade the unregistered ownership of such property subsequently. A certain amount of mulk immovable property is registered in el 'Iraq, but the compulsory registration of such property has never been practicable or systematically attempted.

Land reserved for public or communal use (matruka) is not registered as such. It constitutes a small fraction of the whole and, as noted earlier, the distinction between such land and ordinary State Domain is rarely recognised.

With the relatively minor exceptions mentioned the whole land surface of the country—cultivated land, pasture, waste, forest, mountain, desert, steppe, marsh—is in law State Domain of one or other of the two categories (miri or mewat) laid down in the Ottoman Land Code. The legal ownership (raqaba) of all this land is vested in the State; but, as noted, subject to certain important conditions its usufructuary possession (tesaruf) may be granted out on a permanent, heritable,

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assignable tenure, in accordance with the provisions of Book I of the Land Code and connected legislation. This tenure can only exist in virtue of an express grant from the State. To be valid such a grant must be registered in the Land Registry and be vouched for by a certificate of such registration (tapu sanad). A prescriptive right to a grant of State land in tapu tenure (known as haq el qarar) is recognised by the Ottoman Code, although the exact meaning of certain important conditions of such recognition is still debated. 423

Under the regular operation of the Land Code all State land held and used by the public should be acquired and possessed in tapu tenure. The rights and obligations of this tenure are for the most part admirable. But, as already emphasised, its operation depends upon (i) a systematic initial granting of State land under this form of tenure to those judged best entitled to it, and (ii) the construction and subsequent maintenance to date of an exact and reliable Land Register of the rights conferred or derived thereunder. No systematic initial grant of tapu tenure was made or indeed can have been practicable when the Code was introduced. Consequently tapu tenure remained an occasional and imperfectly realised privilege of the few, instead of the regular tenure of State land it was intended to be. In many cases grants in tapu tenure were no doubt made to those best entitled to enjoy its rights and best able to discharge its obligations. But as a rule grants were made without any satisfactory investigation of conflicting claims. And in nearly all cases the definition of the land, which was purported to be affected, was incredibly ambiguous and vague.

Under these circumstances it would have been impossible to construct and maintain an intelligible and reliable Register of tapu tenure, even if the methods of doing so had been better understood. Actually a study of the working of the Ottoman Land Registries both in el 'Iraq and elsewhere demonstrates that this knowledge was lacking. Indeed the wider experience of the world shows that the construction and maintenance of a reliable Land Register has presented serious difficulties even to the best organised and equipped administrations.

The Ottoman Government had recognised before the war their failure to apply tapu tenure throughout their territories, as well as the basic causes of that failure. And they had enacted legislation empowering a systematic re-investigation and settlement of rights to land to be made vilayet by vilayet. It was intended that this settlement of rights should be based on a cadastral survey and be accompanied by a comprehensive valuation of the land and the establishment of an entirely new Land Register.*

4. The granting of tapu tenure in so many cases throughout el 'Iraq, without proper investigation and settlement either (i) of the rights of those already attached to the soil or (ii) of the boundaries of the parcels which were purported to be affected, sowed a crop of conflicting claims throughout the country, which bore the seed of perpetual discontent and hardship, and in some districts periodically produced violent outbursts of lawlessness. The registered tapu holder (mutasarif), who possibly had family or economic ties with the land, who probably had conformed with the formalities prescribed by a Land Registry Official, and who no doubt acquired his uncertain rights for valuable or other consideration, claimed the position of landowner (mallak).† As such he demanded the landowner's share (mallakiya) in the produce, and asserted his right to mortgage the land and to bring in new cultivators if he wished. [579] [477]

* Ottoman Provisional Law of Survey and Registration of Immovable Property, 1 Rabi Awal, 1331.

† *Mallak* should properly be restricted to *wakf* property. A tapu holder is not an owner, but a *mutasarif* or the holder of registered usufructuary possession (*tasarruf*).

423 But occupying cultivators in the South, while recognising tribal allegiance and the State's legal ownership (raqaba) of the land, commonly
579 regarded their tribal group as possessors of the soil by immemorial right, whatever the period of its occupancy of the land might in fact be. They frequently resented any demand for mallakiya, and indeed any claims to overlordship other than those of the State. It should not be assumed that in such disputes one side was invariably unjustly acquisitive or the other side obstinately recalcitrant. Each party doubtless thought that substantial justice lay on its side. Circumstances alter cases and it is neither possible nor useful to generalise on the point. It is the removal of the injury caused by these longstanding differences, alike to agricultural prosperity and to public peace, that is the objective, not the justification or satisfaction of particular disputants. As is well known this need was so strongly impressed on Government by recurring violence along the Hai and in the Muntafiq, occasioned by the perennial disputes arising out of the differences mentioned, that a law regulating the investigation and settlement of the conflicting claims in these areas was enacted two years ago and is now in course of application.*

621 In the northern rainfall zone the people generally lived in regular
622 villages, under the shadow of a local *agha* or other notable, and cultivated the soil and pastured their flocks round about. As there was ordinarily
423 more land than men to till it, land was brought under cultivation as
178 required and successive generations commonly tilled the same groups of parcels, alternating fallow with sown. When necessary, the local leader became the intermediary between the people and any central Government that could make itself felt. Thus he compounded for the village tithe ('ushr) and collected appropriate contributions from the cultivators. He settled land disputes in village conclave or otherwise, and his jurisdiction to do so was of no material importance so long as these mediæval conditions prevailed. As civilisation developed, towns became more attractive and communications improved, such local leadership sometimes tended to become absentee landlordship; while with the introduction of tapu tenure many village areas appear to have been wholly or partially registered as the personal possessions of local notables, without any consideration of the immemorial rights of those who had regularly occupied and tilled the land or pastured their flocks thereon. The pinch in these cases seems to have been mainly felt when the lands were pledged, and forfeited, to town-dwelling merchants for debt. The personal touch and interdependence that existed between even the most arbitrary local chieftain and the village cultivators appears not infrequently then to have been replaced by more mechanical efforts to exploit the land from outside and by obstruction to such efforts from within.

423 These generalised instances are only intended to serve as illustrations of the evil effects of granting tapu tenure in the past without a thorough study and due safeguard of previously existing rights. No comprehensive or detailed study of these cases is possible here.

5. When the maps from which Plates I and II were prepared were in process of compilation the Tapu Department did its best to show the location and extent of all land held under tapu tenure. Partly owing to the destruction of records by the retreating Turks, but much more owing to the inherent defects of their Land Registry methods, it was not found possible generally to do more than indicate approximately the outside limits of patches of territory thought to be affected. The maximum limits of these groups of territory will be seen, on reference to Table I, to cover about 40,000 square kilometres. It is impossible to say what proportion of the areas included would prove upon due investigation to be reasonably entitled to be held in tapu tenure.

*Law for the settlement of disputes of Muntafiq Lands. No. 23 of April 4, 1929.

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI.

As already observed the Ottoman Land Code provides that all land other than mulk brought under cultivation shall be held on tapu tenure directly from the State. The actual limitation of tapu tenure throughout the one time vilayets of Baghdad and Basra to a fraction of such land is commonly attributed to two Imperial Ottoman Iradas,* respectively issued about the years 1296 (1880) and 1307 (1891). I was not able to obtain copies of these Iradas; but I understand that the first prohibited further grants in tapu tenure either on payment of valuation fees (bedl mithl) or by auction, and that the second abrogated the right of acquisitive prescription of tapu tenure (haq el qarar) on the ostensible ground that the lands of el 'Iraq were being cultivated on terms of muzara'a (i.e. cultivation in partnership with land labourers). It was held that haq el qarar could only be claimed by persons directly and personally cultivating the lands; while the land labourers were barred because they worked for others. But the practical importance of these Iradas was probably slight. They appear in fact to have been little more than early recognitions by the Ottoman Government of the impracticability of applying tapu tenure under the conditions existing in these vilayets. Reference to Plates I and II and to Table I indicate, so far as the available information goes, that claims to tapu tenure are not appreciably more extensive in the old Deir el Zohr district (corresponding broadly to modern Kirkuk), in which its prescriptive acquisition continued under another Irada expressly to apply, than in the two vilayets in which such prescription was as expressly abolished. In short these legislative decrees were dead letters. Whatever their purport they could not alter, and should not disguise, the failure to apply tapu tenure throughout the country either generally or effectively. This failure still persists and is demonstrated by the well-known inability of Government to-day either to safeguard the rights or to enforce the obligations attaching in law to tapu tenure. The absence or unreliability of the information regarding the position and extent of the majority of the parcels claimed to be held on that tenure is indisputable. This is partially illustrated by the gross uncertainties of the location of such land on Plates I and II.

Nor is the unreliability of the Land Registry records confined to this crucial weakness. They are commonly out of date, and/or incomplete, and/or conflicting, and/or unintelligible, and/or of questionable validity. These defects apply to both forms of registered tenure (mulk and tapu). This state of affairs is generally and rightly realised to be mainly a heritage from the past. It is not due to any ignorance of existing defects or lack of zeal on the part of officers of the present service. On the contrary, I found among them a refreshingly realistic appreciation of past and present weaknesses; while during recent years a sustained and conscientious effort has been made to put the records steadily on to a better basis. There are also excellent features in the Department's procedure which should facilitate the root and branch reform that is needed to enable the Land Registry to discharge its statutory functions satisfactorily, if and when such a reform can be undertaken.

But although a warm measure of appreciation is justly due to the efforts that have been, or are still being, made to improve matters, the important facts that require to be recognised in summing up the existing position dispassionately are:

(i) that tapu tenure as at present nominally applied, neither accords the security, nor ensures the discharge of the obligations, of that tenure as prescribed by law.

*Sometimes termed Sultanic Firmans.

423 (ii) that the operation of tapu tenure depends upon the existence, and maintenance to date, of an efficient Land Register recording clear and unimpeachable rights to definite and locatable parcels of land.

(iii) that such a Register has never existed, does not exist, and cannot be quickly, easily or cheaply created.

And it has further to be recognised that the existing Land Registry necessarily confines its attention to mulk and tapu tenures. It is not in any sense a General Land Registry.

2: Dowson G-5 (1929-30) 1932 MH1 Iraq MH1

PART IV.—EXISTING CONDITIONS.

MIRI LAND (STATE DOMAIN)

1–4. General Situation

1. As ordinarily used in el 'Iraq the term miri land, or State Domain, embraces the entire land surface of the country with the exception of land registered as owned in mulk or held on tapu tenure, the extent of which is unknown. Of the compound total some 78,000 square kilometres is estimated to be occupied by scattered cultivation, and about another 15,000 square kilometres to be capable of cultivation (see Plates I and II and Table I). In the former figure are included the previous Ottoman Crown Estates, which comprised some of the most valuable land in the country. These estates were originally managed by a special estate service (El Dairet el Saniya). The administration, by common repute that has survived both in Palestine and el 'Iraq, was good. These estates were subsequently termed mudawara Lands, apparently because they were "turned over" to the civil administration after the Turkish revolution of 1908. They have since lost their separate identity and become merged in the general category of cultivated miri land, although, of course, their previous circumstances may have to be taken into account when considering the position of the present holders of such lands.

It is desirable at the outset to recognise that the huge agglomeration thus grouped under the name miri, or State Domain, reflects no real uniformity in legal status, customary practice, or actual treatment. Thus, while it is accurate and informative to speak of mulk ownership or of tapu tenure, there is no such thing as miri * tenure in law and an unknown variety of things in practice. Miri land simply represents the overwhelming residue of the country not held in mulk or on tapu tenure. It is none the less reasonable and convenient to maintain this elastic, if negative, category at least provisionally. For it accords with accepted tradition and statutory law (*a*) to regard the State as the basic landlord of all land other than mulk (and its derivative true waqf) and (*b*) to recognise that, whatever the rights of holders of miri land may be, they fall short of those of a duly registered mutasarrif of tapu land. But the powers of the State as such a landlord must evidently be exercised with most careful regard to the history of the land and to over-riding considerations of an equitable, economic and administrative nature, if they are to prove admissible in practice.

The general management and control of miri land, legally vested in the State, is nominally entrusted to the State Domains Section (qism el amlak el amiriya) of the Ministry of Finance, until recently the State Domains Department of the late Ministry of Irrigation and Agriculture. Some such central State Domains Office is essential; while the keenness and public spirit that I encountered in this service cannot be too fully recognised. But the Department was quite inadequately staffed and equipped to discharge even the practicable part of its colossal titular duties. Actually in the prevailing absence of intelligible maps and

* Using the term in its customary local, as opposed to its legal, connotation (see iii. 1).

617 records of miri land, such management and control as is possible of these
423 heterogeneous and extensive territories must be carried out primarily in the district by persons in direct touch with the people and the parcels affected. Many questions are no doubt settled by the customary social leaders as elsewhere (e.g. tribal sheikhs) and never reach the administration. Those that do may in some cases be dealt with by one of the few local officers of the State Domains or even by another Department (e.g. on the Yuseffya by the Irrigation). But ordinarily the effective agents of Government in the control of miri lands are the officers of the provincial administration on the spot, who must act for the most part according to their individual judgment or on the instructions of their provincial superiors in each case. This local control is naturally subject to the direction, and occasionally to the intervention, of the State Domains service or the Ministry to which it is responsible. It is also necessarily subject to intervention by the Ministry of the Interior or of any other Ministry, whose public responsibilities may be affected by some action taken. It is further subject to intervention by any Deputy or influential private person who may be concerned or interested.

423 In a limited number of cases, disputes affecting the holding of miri
682 land are decided under the Tribal Civil and Criminal Disputes Regulations, because of their reaction on tribal peace and public security. But since such disputes in theory merely concern the domestic management by Government of its own estates, they do not as a rule fall within the jurisdiction of any regular Court of Justice. Reference has already been made to the general failure to introduce the Land Code and more particularly tapu tenure effectively. Consequently by the side of a truncated and semi-atrophied Statute Law there have survived throughout the greater majority of the land, methods of acquiring and holding land which have never been regulated by law at all.

423 2. An attempt has already been made to illustrate in broad outline
427 the conditions under which land has been for the most part occupied and cultivated in the rainfall zone. There are commonly two classes of people concerned. Firstly (*a*) the larger man, who may be the local Agha or a small capitalist who has helped to develop the land by providing funds, seed, etc. Secondly (*b*) the actual cultivator who, in the mountainous districts, has tamed the wilderness by building terraces, constructing water channels, clearing the ground, etc., and who, in the plains, has similarly, if less laboriously, reclaimed the land by regular tillage and fallow. It is evident that in actual fact a partnership commonly existed or exists between these two classes.

Now it is generally accepted that the intention of the Ottoman legislator, when promulgating the Land Code, was to establish the actual cultivator on the land; and when that cultivator has remained on the same land and effected improvements of a capital nature by his labour, his claim is clear. But the claim of the larger man instanced, who will almost invariably have co-operated in some indispensable way (e.g. by according protection, providing capital or essential assistance), who has very likely been acknowledged as landlord (mallak) and perhaps regularly received mallakiya, cannot be equitably or advisedly disregarded. Investigation on the spot would be needed to weigh the respective claims in each case; but it can be seen that, broadly speaking, local conditions have often produced an association in the development and cultivation of the land between local overlord and cultivating holder in these regions, in which both have rights that should be recognised in their mutual interest as well as that of the country at large.

423 In the Irrigation Zone and throughout the desert borders the Turks
619 found the land for the most part in the hands of tribal confederations.

The influence of these confederations waxed and waned with changing personalities and circumstances. The original tribes (ashaiyir) of el Iraq were, of course, pastoral nomads following the grass with their herds of camels, sheep and goats. As throughout history generally, when they found that cultivation was economically advantageous they began to settle. Without going into earlier happenings, it is evident that the Ottoman Government were never in a position to exercise any systematic control of the large areas of miri land throughout the country. Under the conditions that commonly prevailed the authority of the Government ran slowly outside the larger towns, while for the most part the effective local and social units were the tribal confederations or their component groups. These groups, larger or smaller according to circumstances, occupied and used such areas of land as they desired and were able to hold against rivals. The territorial hold of tribal groups naturally varied in stability. It varied with the varying power of rival or associated groups and their need for the land. And it was doubtless always amenable to special exertions of authority on the part of the Central Government. But subject to such vicissitudes, innumerable tribal groups exercised the effective control of miri land from day to day throughout the majority of the country.

When land was brought under cultivation a prescriptive right to such occupation was usually asserted. These claims were not limited to the parcels actually tilled, for cultivation shifted annually to offset the exhaustion of the soil and in response to other variables, while provision for prospective cultivation was also included. Such provision for the future was of particular importance in the rice areas, where the rice-growing fringes of the land encroach slowly year by year on the marshes. In these valuable tracts the rivalry between adjoining tribal groups is now intense and calls insistently for competent independent regulation in the general interests of rice cultivation and the orderly development of the steadily advancing waterways. Elsewhere, apart from favoured spots, where special facilities for irrigation or fruit-growing exist, there is still a dearth of the agricultural population needed for the development of the country.

Prescriptive claims to pasture wandering flocks and herds still remain more extensive than such claims to cultivation: and, although they preponderantly apply to the bordering desert and steppe, they also affect the regularly cultivated areas. Indeed the right to browse flocks on immature barley (ghasil) is still widely practised.

All these customary prescriptive claims to rights of cultivation or pasture, may be asserted long after the uses on which they are based have ceased. Thus I heard of numerous cases of tribal groups who had migrated from one district to another, possibly many years ago, and yet on due occasion advanced prescriptive claims to the area they had abandoned as stoutly as they maintained their right to the lands they had since occupied and used. These occasions were usually some favourable change in the conditions of the abandoned area, e.g. the provision of irrigation facilities previously lacking. It need hardly be suggested that deliberate voluntary abandonment of the use of an area for any purpose should extinguish any prescriptive claim to such use.

8. A great impulse has been given to the permanent settlement of the tribesmen during the last decade by the improvement—almost the creation—of communications, by the growth of law and order, by the installation of pumps throughout the riverain tracts, and by the taste for modern civilisation induced by such things as motor cars, gramophones, better dwellings, more frequent visits to towns. Throughout the countryside the camel hair tent of the Bedu' has been giving way to the

2: Dowson G-5 (1929-30) 1932 MH1 Iraq MH1

166 178 reed mat hut, and the mat hut to the mud, or even the burnt-brick building. This movement has naturally been accompanied by a weakening of tribal cohesion and tribal authority, as the machinery of the provincial administration of Government has penetrated into the less accessible regions and as increasing numbers of the population have been brought individually in touch with local provincial officers over their daily affairs.

166 423 651 619 The development of direct dealings by the local provincial officer (mudir) with small landholders and cultivators in his sub-district (nahiya) over land and land revenue questions has naturally tended, wherever it has been in operation, to transfer the effective control of miri land increasingly from tribal influence to such officers. In many liwas I was afforded evidence of the numbers of smaller men paying their land revenue directly to provincial officials and occupying the position of smallholders, either as heads (sirakil) of minor tribal or other farming groups, or even on a more individual footing. And everywhere I was advised tribal disintegration was accelerating, everywhere the tribesman was becoming an individualist and wanting his individual holding. The movement is not, of course, new. Under Turkish administration it no doubt proceeded wherever the authority of Government was effective; but its range was necessarily more circumscribed and the impelling forces much less. Nor can it be counted upon to continue. If the provincial administration deteriorated again some reversion to, and strengthening of, tribal influences would be natural.

423 619 4. In the numerous discussions that have taken place during recent years regarding the legal recognition of customary prescriptive claims to miri land, more particularly in connection with the installations of pumps, the term *lazma* came to be generally applied to these claims. So far as I have been able to ascertain, the term lazma was applied in Turkish times, among other words, to the customary prescriptive claim of the tribe to land already mentioned. It was represented to me that this might be more correctly and explicitly defined as a right of occupation and cultivation (haq el sakna wa zira'). Within the area concerned the tribal or sub-tribal sheikh would allot the land to adult males of the tribe according to tribal custom, and to be held subject thereto. There was no personal lazma right. Allotments to individual tribesmen could be, and frequently were, resumed by the sheikh.

423 Since the war the conception of a tribal or sub-tribal lazma seems to have weakened and that of a corresponding prescriptive claim of an individual or smaller group to have been to some extent substituted. The appropriateness of the term in the latter sense is disputed; but regarded as a label for any prescriptive claim to occupy and hold miri land, it seems to have held the field and to have been commonly understood and accepted.

423 427 According to prevailing theory all holders of miri land are tenants at will of the State. The land is supposed to be leased by an annual terminal agreement (shartnama). In practice, although such agreements may, and do, exist, they are far from being an indispensable, or even an ordinary feature of the occupation and use of miri land, even in districts most completely under central Government control. And it is not pretended that any annual review is made, with renewal or cancellation even of such agreements as do exist, still less that any systematic record and control of the innumerable theoretical leaseholders of miri land throughout the country is maintained. Indeed the mere administration of any such annual leasing of the numerous, enormous and widely distributed parcels of miri land is beyond the ability of any central

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Government Department, certainly beyond the power of the organisation and resources so far devoted to the purpose. 423 427

This is not to say that no systematic efforts have been made to put the tenure of miri land on to a more secure and orderly basis. Many such efforts have been made throughout the country by Provincial Officers, the Irrigation Department, the Survey and others. Foremost among them must be mentioned the periodic revenue settlements in Amara, which not only defined the limits of the various tribal interests there, but have also tended to stabilise many lesser holdings. A valuable fiscal survey of a large part of the Basra Date Gardens has been done. A business-like survey, allotment and record of land accompanied the construction of the Yusefiya, and other canals: and pains have been taken to keep these records up to date. In the Dulaim liwa a careful list of all the holders of recognised parcels of land has been compiled and subsequent changes noted. Other instances could be given. Naturally, all the resulting compilations have serious imperfections regarded as permanent records of the rights admitted to miri land: but this was not usually their primary purpose and such imperfections were inevitable in the conditions under which the investigations had to be made. And whatever the imperfections of such undertakings may be, they deserve grateful recognition and they should materially facilitate further stabilisation of tenure. 427 185

But it must none the less be admitted that these were all detached uncorrelated efforts owing no inspiration to any concerted attempt of the Central Government to improve the position of the mass of holders of miri land. Broadly speaking, those who occupy and cultivate miri land are allowed to do so in the absence of more influential opposition. Possession is ordinarily nine points of the law: but neither long possession nor any other mode of acquisition confers security. Personal influence with the most effective arbiter is commonly the decisive factor at any moment in any particular land dispute: and anyone may find the most convincing claims set aside. Moreover, any dispute may be reopened at any time if circumstances promise a more favourable consideration of a disappointed party's case.

Having regard to the history of the land, the widespread acceptance of tribal rather than individual rights, and the extensive and ill-defined areas affected, this state of affairs is not really remarkable: but it none the less calls for recognition and progressive remedy.

5-7. Pump Development of the Riverain Tracts

5. As is well known there has been a rapid and extensive development of irrigation by privately owned pumps during the last ten years throughout the high level tracts bordering the main waterways (see Plates I and II). As is also well known, the confident expectations of an early and profitable return on the considerable sums sunk in this development have been largely disappointed. 312

Persevering efforts have been made to obtain consistent and comprehensive statistics of the numbers of pumps erected, of the horse power of those pumps and of the areas irrigable by them: but owing to the records having been differently dealt with at different times and in the various liwas and departments concerned, it has not been found possible to do so. Although this is disappointing, in view of the interest and importance of this development, it is not surprising. And I have none the less been enabled to illustrate the rapidity and extent of the

changes, canal silting, tribal movements, Central Government action, or other circumstances. 311

7. With relatively little exception the riverain tracts affected are miri land. It has been noted how the cultivation previously shifted therein in response to changing circumstances. The prescriptive claims to pasture were naturally even more variable and indeterminate. It is consequently not surprising that as the pump development movement extended, these riverain tracts were found so closely interpenetrated by prescriptive claims (lazma) of one sort or another, that few areas suitable for pump development were unaffected. These claims constituted a serious obstacle to the general development of the riverain tracts by pump installations. For at first the claimants as a whole had neither the desire, nor the enterprise, nor the ability to raise the capital needed to undertake this development themselves. 311 423 427 312

In discussing these prescriptive claims earlier their primarily tribal origin was mentioned: and it appears that the prescriptive rights recognised by the provincial authorities in pump agreements are preponderantly of such origin and character. These pump agreements may be made in the name of a sheikh or sirkal, but he stands as the tribal or sub-tribal, representative. No doubt when the sheikh or sirkal is a forcible person, he may engulf in his own person the rights of his tribal associates. Alternatively when the sheikh or sirkal is a man of straw, unable to lead his section or keep it together, he may be displaced, and even lose his strictly tribal share in the common holding. In a number of cases, after the movement started and its potentialities had become more apparent, a sheikh or other leading member of a tribal section which claimed prescriptive rights over a promising area, himself erected a pump and cultivated the area with the labour of the other members of the section. Under these circumstances the difficulties of divided interests and divided control, so frequently attending these pump ventures, may not arise. And so far as my information goes it is pump ventures inaugurated and worked by a capable tribal leader under these conditions that promise to be the most successful. 427 312 622

But enterprising townsmen and others with tribal affiliations, who wished to participate in the movement usually had to search for a suitable stretch of miri land and enter into an agreement with some group of claimants to prescriptive rights over it. No very definite procedure was required. The process may be loosely generalised somewhat as follows. An enterprising individual, having some miri land of uncertain limits and subject to uncertain prescriptive claims in mind, decided to buy a pump and engine, the capacity of which usually depended as much on his financial resources as the situation and extent of the land to be watered. He applied to the Governor of the Province for permission to erect the installation. This always necessitated a permit from the Irrigation Department (under the Irrigation and Embankments Law), and when the land was miri (as it usually was) the approval of the State Domains Department and the issue of a lease by them. 427 312 311

The Irrigation Department checked the suitability of the installation to the extent of land, according to the information given; and if they had the means tried to locate the land and check the area on a map. Otherwise the figures had to be accepted as notified. And even when the capacity of the installation and the area of the land (as quoted) were discrepant, it was often found that the pump had already been bought. The Department also tried to ensure that the site of the pumping plant was wisely chosen in regard to flood and low stage river conditions, as well as the distribution of the water for cultivation.

The State Domains Department acted through the provincial authorities, who necessarily had no better information as to the situation

2: Dowson G-5 (1929-30) 1932 MH Iraq MH.

PART V.—MEASURES RECOMMENDED.

PRELIMINARY CONSIDERATIONS,

LAND REGISTER AND LAND SURVEY

1–5. Preliminary Considerations

1. The growth and maintenance of agricultural prosperity will primarily depend upon the intensification and multiplication of well-directed individual effort and enterprise on the part of the numerous body of persons, large and small, who effectively possess and manage for the time being, the holdings scattered throughout the 90,000 square kilometres of agriculturally productive land in the country. These landholders are the indispensable builders of national prosperity. The legislative and administrative policy of Government should be directed to strengthening, guiding and encouraging them as a body in their struggle on their innumerable estates and holdings to erect the fabric of a stable and progressive agricultural economy. And such an economy can only be established on the foundation of a stable land tenure.

No man engaged in the management and cultivation of a landholding, large or small, can be expected to sink his capital in the land and devote his energies unreservedly to its development, if he is uncertain whether he and his heirs will benefit by his husbandry. And the evils of such insecurity are aggravated if taxation of the land is uncertain, may be heavy and is variably assessed. When the development and cultivation of a holding is beyond the unaided powers of the landholder and his family (or is a group interest of any sort) it is no less essential to have unity of control coupled with willing and effective collaboration. In other words, conflicting rights and interests in the land must be reconciled wherever they occur, and adequate remuneration and satisfactory working conditions for agricultural capital, management and labour all be forthcoming.

The injurious effect of the existing welter of uncertainty and dispute upon both the agricultural prosperity of the country and public order, can hardly be exaggerated. Everyone directly or indirectly concerned with agriculture in el 'Iraq must know many individual cases in which the development and use of the land has been gravely obstructed by the widespread insecurity and confusion of rights. Indeed the most diligent enquiry would be unlikely to reveal anywhere any appreciable number of holdings, large or small, held in undisputed possession and free from hampering and conflicting claims. It needs no great effort of the imagination to appreciate the blighting effect of these unhappy conditions prevailing throughout the country, upon the prosperity of the main national industry and the welfare and contentment of the people as a whole. And since the cultivation of the soil and the grazing of flocks comprises the livelihood and well-being of the vast majority of the population, the greater part of the time of officers of the provincial administration is taken up with attempts to regulate spasmodically and

423 427 ephemerally the unceasing stream of disputes concerning or arising out of the possession and use of land.

The confusion of land tenure throughout the country generally is not confined to one category of land. While it may be more general in the case of miri land, it is also common in the case of tapu land. The long-standing and bitter disputes in the Muntafiq area regarding land claimed to be held by tapu sanad are the most notorious, but far from the only, illustration of this. Similar uncertainties are common throughout the country, in regard to land claimed in tapu tenure, to land and trees claimed to be mulk possessions, and to land dedicated, or claimed to have been dedicated, under the various forms of waqf.

185 The execution of an effective reform of land tenure throughout el 'Iraq is a formidable undertaking and one which under the most favourable conditions is bound to take a great many years to complete. It is easy enough to draft bills designed to bring about academic reforms and to get these passed into law: but it is a very difficult matter to ensure that such enactments are beneficial and workable in sober practice and even more difficult to ensure their steady, intelligent and impartial application over the long term of years that must intervene between the introduction and the accomplishment throughout the whole country of the thorough-going reforms that are needed. But serious as the difficulties to be encountered are, they will yield, as they have done elsewhere, to intelligent, sincere and persevering attack.

185 423 2. The late State Domains Department warmly espoused and steadfastly advocated the implementation of the original attempt of the Ottoman administration to grant out all cultivated miri land on tapu tenure. This policy was loosely and, I venture to think, misleadingly termed the alienation of miri land. For alienation denotes an estrangement of legal ownership whereas such ownership (el raqaba) is specifically reserved to the State under tapu tenure. The correction has more than legal significance; because the expression "alienation of State land" connoted, both to the Department itself and to the public, the adoption of a new, a beneficial, and a feasible policy of distributing land hitherto held by the State to private, and for the most part to peasant, proprietors. Tapu tenure, as already noted, was expressly intended in the country of its origin to promote a body of industrious peasant proprietors and taxpayers.

423 427 In sober fact the overwhelming majority of the cultivated holdings, classified as miri in el 'Iraq, has for generations been in the hands of the people. Its possession is sufficiently subject to local or central interference to cause great individual insecurity of tenure, and all the evils resulting therefrom, as we have noticed. But while the legal ownership of the State is indisputable, its exercise of such ownership is, for the most part ineffective, uncertain and spasmodic. This is inevitable under existing conditions and is bound to remain so until they have been remedied.

The reform attempted by the Turks, and advocated again by the State Domains Department, was not, therefore, in any real sense, a substitution of private for public ownership of land. It was essentially no more than the legal regularisation in a prescribed form of the already widely existing private or communal holding of miri land. Some such reconciliation of actual with lawful tenure of miri land is indispensable if general security of tenure is to be established at all: and the greatest sympathy must be felt with the desire to effect this reconciliation through the medium of an established statutory tenure.

But the failure of the Ottoman Government to apply tapu tenure, either generally or effectively, alone constitutes a weighty warning against the adoption of this course. For there is no doubt about the earnestness or the persistence of the Turkish efforts, and nothing to show that el 'Iraq is better situated or equipped to succeed to-day. It has already been noted that even where tapu tenure is nominally in force at present in the country, neither its rights nor its obligations are secured; while the limits to which it purports to apply are rarely known. To a lesser extent the same is true of mulk.

Again, admirable as the underlying principles of tapu tenure for the most part are, the greater part of el 'Iraq is not yet ripe for the complete freedom of individual dealing with and mortgaging land that it confers. So long as tribal and other communal divisions remain strong, unrestricted individual freedom to dispose of land would be dangerous to public peace and contentment. And, until the great mass of smaller holders have gained much greater economic stability and experience than at present they possess, any general freedom to mortgage holdings would merely be an incitement to the piling up of unproductive debt. Moreover, a thorough and carefully considered review of the future needs of the country in the way of public works, of areas to be utilised as extensive pasture, or developed as forests, fisheries, etc., of territories to be otherwise specially ear-marked for communal or other reasons, should precede any appreciable extension of tapu tenure.

8. If the general introduction of tapu tenure of cultivated miri land must, on sober consideration, be dismissed as neither practicable nor desirable under present conditions, what is the alternative? In the first place, no single stereotyped tenure is applicable throughout the whole country or probably ever will be.

Thus, since a considerable part of the country is recognised as lawfully, if loosely and indefinitely, held in tapu tenure already, that tenure can no more be abrogated forthwith than it can be generally extended. Any comprehensive reform of land tenure in the country must include a rigid scrutiny of all existing claims to tapu tenure, the precise definition of the areas affected, and a thorough revision and clarification of the provisions of that tenure to make it workable and consequently recordable. But fresh grants in tapu tenure should be prohibited or very severely restricted, until this had been done.

Again, specific undertakings have been given by successive Governments in respect of the conversion of miri groves and gardens into either tapu or mulk tenure. Owing to the inexactness of the terminology commonly employed, the undertakings have been interpreted in both senses. These undertakings must clearly be honoured in one way or the other. But if the Government's promises permit, it would at least be advisable to restrict mulk proprietorship to the physical limits of well-established groves and gardens. In any case, here again, a systematic investigation of claims, definition of areas and formulation of clearer and more practicable conditions are needed. The areas affected are scattered all over the country.

Yet again, it has been foreshadowed that parcels of miri land—at least within the municipal limits of the more important towns—occupied by buildings which are classed as of a permanent character, shall be regularly recognised as mulk. And there are many other demands of urban tenure requiring attention, which cannot be entered into here.

There also exist numerous stretches of miri land already utilised

423 for public purposes (e.g. as public waterways, railways, roads) which
427 should be formally reserved forthwith as public utility areas.

It thus appears, on a most cursory examination, that there is a large, a pressing, and a complicated programme of practical reform waiting to be done in the existing legal categories of mulk, tapu and matruka (or manafa' umumiya) land alone. The complementary task of establishing the overwhelming balance of miri land on a securer and economically sounder basis is even more formidable. This balance, it will be remembered, includes the riverain tracts, the settlement of whose complex problems is probably the most imperative agrarian question of all.

185 The conclusion is inevitable that if any effective reform of existing land tenure is to be established at all throughout the country as a whole within the life-time of the present generation, it must be initiated and maintained on the simplest lines that will satisfy the bare essentials of equitable settlement of existing claims, of substantial security of subsequent tenure, and of even and economical taxation. Simplification of the land law and of the practical working of all tenures; simplification of the procedure of cadastral survey, of settlement and record of rights; simplification of fiscal assessment and collection, must be given the utmost possible consideration throughout.

4. It will be easier to see what simplifications of tapu tenure are desirable and justly possible when the existing provisions of that tenure have been analysed as applied or applicable in el 'Iraq to-day (see vii, 1). But from the point of view of the national interest the necessity of securing a fair and proper valuation of tapu acquisition payments (e.g. tapu mithl or bedl mithl) on all initial grants in this tenure is probably the most important. The enormous territories of miri land now existing constitute the principal capital of the nation and any transfer of rights over such land to individuals should be accompanied by equivalent advantages to the public purse. Timely provision against excessive shareholding, and for the nomination of authorised representatives when there are more than two or three shareholders, should also not be overlooked.

But since the vast majority of the cultivated land in el 'Iraq is miri, the necessity for the general simplification just emphasised applies with greatest force to this category of land. In general the simplest, the quickest and probably the only feasible method of placing the tenure of miri land on to a more satisfactory basis, is to accept to the utmost possible extent the present simple concepts and practices and to concentrate upon making their application more systematic, more equitable and more sure. It is evident that for many years to come at least, the tenure of the great mass of miri land throughout the country must be regulated locally, if it is to be governed by law at all. It is always possible for the central Government to intervene in particular cases here and there: but in the overwhelming majority of cases the questions that arise from day to day must continue to be decided on the spot by the people among themselves, or by the authority of a local public officer (e.g. mudir el nahiya) who is familiar with both the people and the land concerned. Consequently any tenure that is to be operative in practice must be understood by, and commend itself to, the judgment of the mass of actual landholders, social leaders and provincial authorities. Simple principles and simple procedure thus understood and accepted can be made to provide the foundation for an attainable reform which, modest though it may be, is preferable to the pursuit of more theoretically perfect tenures, which will inevitably sleep in the statute books because neither people, nor effective authority, nor conditions are ripe for their application. But desirable as it is to put the land tenure as rapidly as

possible on to a firm and complete basis of law and of fuller economic freedom everywhere, it has to be recognised that the process must be gradual, particularly in the remoter and more backward parts of the country.

Some measure of discretionary control will require to be exercised in regard to the persons accepted as lawful holders of miri land, for two reasons. In the first place, so long as there are tribal areas (dira) which must continue to be recognised, it may be necessary to restrict the holding of miri land within those areas to members of the tribal group concerned. In the second place holdings of miri land are not transmissible on death, and this would be inconsistent with that tenure as outlined. So that on the death of a miri holder a suitable successor has to be agreed upon. As we have seen the claims of the deceased holder's family to such succession are commonly admitted by prevailing custom. This is unquestionably in the public interest, provided the recognised representatives of the family are willing and able to discharge their obligations as miri holders to the community and the State. But it is necessary for the secure and economical working of miri, as of tapu tenure, that the number of representatives of a group of holders of a parcel of miri land shall be limited. In my provisional report I suggested that the number should not exceed three. In the case of holdings below a certain size (e.g. 10 misharas) limitation to a single recognised representative or holder might be advisable.

Such recognised representatives or holders should be in actual control of the land on the spot and thus effectively responsible for its cultivation and management. He or they should preferably be chosen by the deceased holder's family (or the group concerned) with the assistance, if necessary, of the local authority. Commonly he or they would have taken a leading part in the cultivation and management of the holding previously. The responsibility of a recognised holder of miri land to his family must primarily be a matter between himself and that family, as it is now. Complaints of abuse could always, also as now, be brought before the local authority, and possibly in future in certain cases before the *qadi*. Again, when the size and productivity of a miri holding permits it could, if desired, be divided on the death of a previous holder. No mortgage direct or indirect of miri land is reconcilable with the tenure as outlined, nor (for reasons given above) does this appear to me desirable (v, 2). Possibly some restriction should also be exercised over the pledging of produce and of agricultural animals and implements.

In the interests of the nation and the agricultural community as a whole, it is essential to recognise in a practical way, from the first, the economic limitation set on both the fragmentation of holdings and the multiplication of shareholding. The capacity of a parcel of land to provide a livelihood is necessarily restricted, and those who actually develop and work on it, with their immediate households, must evidently have the first call on its production. Moreover, unless there is a surplus of profit to put back into the land the general advance in the standard of agriculture, which is so greatly needed, will be retarded, if not prevented. Security of tenure is one of the primary conditions of such an advance. But security of tenure must be coupled with a wide-spread and general opportunity to make agriculture provide more than a bare and narrow livelihood for the greater mass of the population engaged in it, if any sustained national advance is to be realised. Owing to the sparsity and mobility of the country's existing population and to the backward state of its agricultural development there should be no difficulty for very many years in preventing any uneconomical congestion of the agricultural community on the land. But excessive shareholding

4/23 85 already occurs in more intensive holdings (e.g. gardens) and in house property.

5. When considering the position in the riverain tracts, in my provisional report I suggested (iii, 24) that the simplest and the most appropriate means of regularising the holding of miri land was by standard leasehold agreements in accordance with prevailing theory and partially prevailing practice. It never appears to be contested, even by the most firmly entrenched holders of miri land, that the ownership of such land belongs to the State. Nor is it contended that this ownership is titular. But while the effective ownership of the State is recognised, it is claimed that this ownership does not carry the right to evict at will well-established holders from their holdings of miri land. Subject to good behaviour, to maintaining cultivation, to payment to Government of its revenue contribution, and to the satisfactory discharge of certain public duties, such holders of miri land claim a right of undisturbed possession, which in principle is universally admitted.

There will probably be no difficulty in formulating the main rights and obligations of miri holders in standard terms, if and when Government decide to maintain and systematise miri tenure. But within the main framework of this tenure considerable elasticity would have to be allowed for supplementary or even exceptional provisions required to meet varieties of local circumstances, of local customs and of agricultural needs. The rain-watered plains of the north, the valley cultivation of the hills, the pump-fed riverain tracts, the rice-growing fringes of the marshes, the areas supplied with regular free flow irrigation, are instances of such variations which will occur to all.

[651] At first sight the contingent obligations now customarily imposed on miri holders in the form of public duties appear to be impracticably onerous. But the obligation that needs definition most of all is the nature, the method of assessment and the method of payment of the revenue contribution, which represents the miri holder's amalgamated rent and tax to the nation, for the land he holds. General public duties should not fall on miri holders as such. They would more reasonably be discharged by some unpaid local dignitary, who could be accorded appropriate privileges.

In pursuance of the need to establish greater security of tenure and in conformity with customary doctrine, miri leaseholds held by long-established miri holders or their descendants, should normally be renewable in practice, although terminable in form. The duration of miri leaseholds might as a matter of regular routine be fixed at ten years. While such leaseholds should ordinarily be renewable to previous holders, if they had previously discharged their obligations satisfactorily, yet renewal should require a formal act on both sides. This would keep the nature of the tenure in the public mind, and the existing records up to date and reliable. Standard fees should be charged for all issues and renewals of miri leaseholds. These fees should in principle be limited to covering the aggregate cost of the simple administrative and technical procedure needed to maintain the necessary records satisfactorily.

6. The Land Register

4/23 6. As already noted the Land Code only recognises the private holding of land in two ways. Such a holding must either be private [625] property (mulk) or it must be State property* held in tapu tenure. And the acquisition of all private holdings in either of these categories must be registered to be valid.

* Miri in law including all cultivated land not owned in mulk.

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI

be registered to be valid. Thus the Ottoman legislators intended and provided that all holdings of cultivated land should be recorded in the Land Register. The inability of the Ottoman administration to put the land law into force, has left the greater part of the cultivated land of the country in parcels occupied on loose and irregular tenures unrecognised by the Statute law and unrecorded in the present limited Land Register. Instead of comprising, as intended, a record of all cultivated holdings that Register probably excludes from its purview between three-quarters and four-fifths of the cultivated zones. To permit the Land Registry to perform its intended national function and constitute the general and dependable custodian of land tenure that is needed, not only must its administration and procedure be drastically reformed, but the scope of its operations must be steadily extended until they include at least all privately held land of every recognised category. It should in fact become a General Land Registry (Daftarkhana umumiya el arazi) instead of being, as at present, a Department of tapu and mulk registration only. (Dairet el tapu.)

There are three points to which reform must more particularly be directed before the Land Registry can perform its functions. The Land Register is at present a register of transactions or deeds. Registration of deeds is an unreliable and incomplete method of recording rights to land. It should be converted into registration of title. There are also at present two decisive external obstacles to the construction and maintenance of an effective register of title. The first of these is the absence of a dependable cadastral survey. The existing service recognises this need and carries out scattered property surveys itself to the best of its ability: but this is no substitute for a properly controlled survey conducted by the technically competent Department. The second obstacle is the absence of practical provision to make the extreme multiplication and sub-division of shares upon inheritance of mulk property and tapu holdings economically workable. Such extreme shareholding may possibly still be rare, but it occurs*; and it would be fostered by the introduction of an efficient record until the position became unmanageable.

Since the major defects of the existing Land Registry are due for the most part to circumstances outside of the control of the Department itself, no useful purpose will be served by examining its internal procedure in detail now. Nor does space permit here of any explanation of the necessary conversion of the Register into a Register of Title. When the immediate questions of constructive reform have been decided the requisite modifications in the methods and machinery of record that should supplement them can be considered in detail if desired.

7. Land Survey

7. Reference to Part II will recall to mind the position and prospects of the national land survey, which it will be remembered is of a purely topographical nature. So far as can be foreseen it will take about another ten years to complete and map this survey on a scale of 1:10,000 throughout the cultivated area of the country, if the staff and efficiency of the Survey Department are sufficiently strengthened to enable them to push ahead with their general framework and to make good certain other weaknesses while continuing detail survey on the present lines. It may be hoped that Government will be able to afford the Department the necessary financial and administrative support to enable at least this modest forecast to be fulfilled.

* E.g. see "A Report on el 'Iraq," page 32(b), by Ahmed Fahmi Beg, Director-General of Revenues, Government Press, Baghdad, 1926.

423 This forecast could be halved at relatively slight additional expense
647 if a minor expansion of staff of all grades and of resources could be
185 authorised, if land marks could be regularly safeguarded, and if an uninterrupted programme of work could be maintained. This would make a regular and equitable valuation of the Land for purposes of land revenue practicable within a reasonable period (see vi, 9).

But I see no prospect of any general programme of more detailed or larger scale survey being realisable, nor could it be recommended at present.

423 It has already been stressed that the execution of a methodical and
185 trustworthy land survey of the country is a requisite condition of all effective land reform. It is a requisite condition not only of the establishment of a stable and secure land tenure and of an equitable assessment of land revenue, but also of any efficient system of irrigation and indeed of any reliable and systematic knowledge, development and use of the territorial resources of the country. It was, for example, to provide essential information for the Irrigation Department that the Survey has concentrated on work in the Irrigation Zone hitherto. It is, therefore, imperative that while devoting closer and more considered attention to the needs of land tenure in future, the Survey should call no halt in meeting these other primary needs.

Unquestionably a detailed cadastral survey, which reliably locates the limits of all individual holdings, is required to place land tenure and land revenue on to a thoroughly satisfactory basis. Only on the basis of such a survey can the unqualified stability and security of tenure be attained which is required to stimulate the development and productive capacity of the country fully. But the change from pronounced confusion now characteristic of land tenure to detailed order, is too great to be effected at a single step. The requisite detailed cadastral survey would be a lengthy and onerous undertaking for a much richer, better prepared and better equipped country. It should not be attempted in el 'Iraq at present.

[651] Doubtless in the vicinity of the larger towns and in other places, in which the higher value of land brings in commensurate receipts in higher fees or in increased rentals or other revenues to Government, true large scale cadastral surveys may be justified exceptionally. And the ultimate extension of a proper cadastral survey elsewhere, as development proceeds and land values increase, should always be kept in view.

But the hopes of establishing orderly record, secure tenure, and fair and dependable taxation of land throughout the overwhelming mass of the cultivated territories of the country within the next ten or fifteen years, must be based on a foundation of simpler and less detailed survey. To be precise, the measures of attainable land reform within any period worth envisaging at present should be such as are applicable, and can be maintained, in conjunction with a 1:10,000 topographical survey of the cultivated terrain of broadly the same character and accuracy as is now being produced. The work should be converted into (what has been aptly termed elsewhere) a topo-cadastral survey, without markedly increasing the complexity and closeness of the detail. The parcels or sub-divisions of the land adopted as cadastral units for purposes of survey, record and fiscal assessment, must be of considerable size and bounded (at least ordinarily and preponderantly) by easily recognisable physical features. The placing, and still more the subsequent maintenance and control by Government, of a host of artificial boundary beacons outlining individual holdings must be dismissed as entirely impracticable. It will be as much as the country can do to establish and

PLATE V

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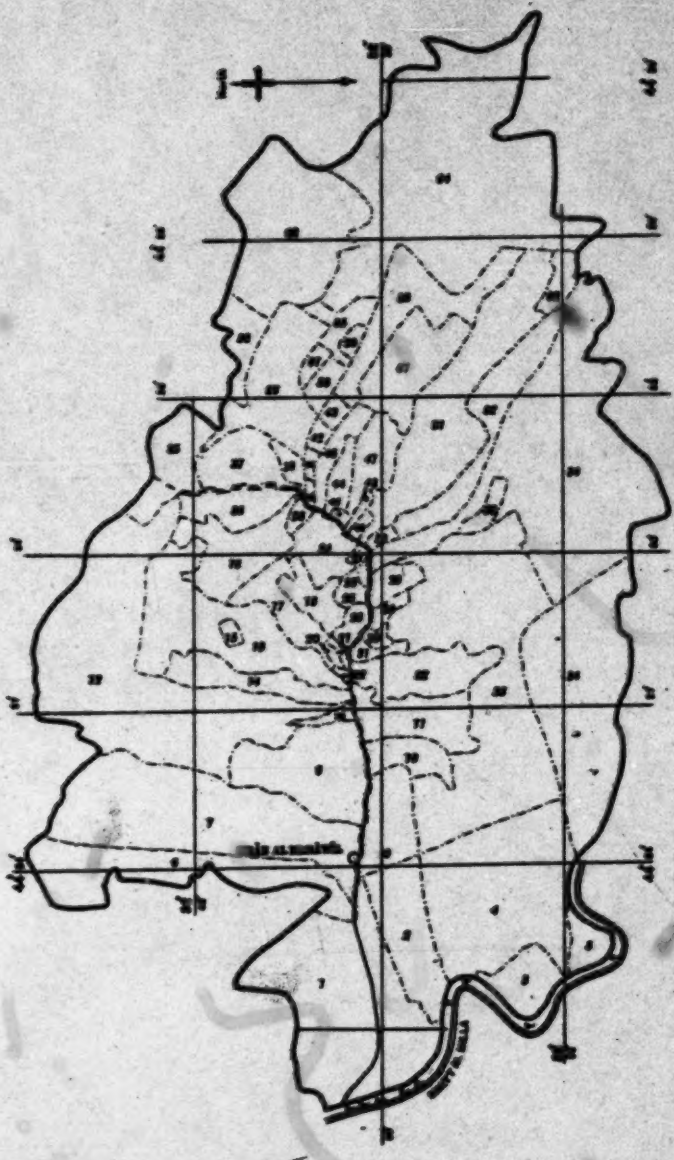
OUTLINE PLAN OF
MAHĀWĪL VILLAGE, HILLA LIWA
ILLUSTRATING SUBDIVISIONS INTO MAQĀTA'AS



[FACING P. 411]

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protect the framework of survey reference points, which constitutes the one and only indispensable collection of ground marks.

The landed subdivision, cultivation unit, or estate, commonly known as *muqata'a*, which exists in one form or another throughout the greater part of the country, affords an admirable general instance of the type of topo-cadastral unit needed. Plate V shows the actual grouping of land in muqata'as in a village selected at random as well as their considerable variations in size. The term muqata'a itself is usually, if not invariably, applied to large existing agricultural holdings regardless of the method of tenure or the legal category or categories of land included therein. Existing muqata'as should not, of course, be surveyed and accepted as cadastral units without proper scrutiny of their history and tenure, while in some cases they may require subdivision and in others grouping. But subject to necessary investigation and adaptation to the practical requirements of survey and record, they constitute a series of major territorial units of the greatest economical importance agriculturally and the greatest practical importance administratively for the handling and maintenance of land reform. Where muqata'as do not exist, a similar artificial grouping of agricultural land for purposes of survey and record can be substituted. All the more important rights to land can be recorded with respect to some one or other of a series of such major territorial units, not as precisely as if a detailed cadastral survey could be carried out, but with a sufficiently substantial degree of exactness and reliability to provide a solid foundation for the most necessary reforms.

It can, therefore, be concluded that the main objective of survey during the next ten or fifteen years should be the execution of a topo-cadastral survey of the cultivated surface of the country on a scale of 1:10,000 of the existing muqata'as, or of similar artificial territorial groupings of land on the same general lines as at present. In principle this survey should be conducted in association with a preliminary settlement and subsequent record of rights, which will be next considered. And it must be embodied in accurately reproduced published maps, if it is to be of general value and use.

But an extent of territory that would occupy settlement for a number of years has already been mapped on 1:10,000 or some larger scale. So that the survey would be working in advance of settlement for a long time. None the less the co-operation of the Survey staff would be needed on the ground to embody in the maps revisions and additions required during the progress of settlement. The necessary association between the two branches of the work could be secured in this way, although probably not as conveniently or as economically as if the original survey had been done in conjunction with settlement. However, as experience is gained the character of the original survey could be increasingly suited to the later requirements of settlement.

Some reference to surveying from air photographs should be made in view of the discouraging outcome of the work done recently. The difficulties met with appear to have been occasioned by some failure by Government to ensure effective co-operation between the Survey Department and the air work. This should not prevent careful study of the advisability of again utilising air photography under more carefully considered arrangements at least in less accessible areas. The exclusion of all but bold topo-cadastral boundaries should facilitate the use of air photographs in the original survey: but the simplicity of detail, the quality of contouring needed for irrigation purposes and the scale adopted may be expected to continue to make the use of the plane table economical, and of the level necessary, throughout the cultivated terrain. But

2: Dowson G-5 (1929-30) 1932 MH Iraq MH

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recent advances in the use of air photographs have been great, and further advances should be carefully followed by the Survey Department because of the great acceleration in the rate of survey which the utilisation of air photography secures. But while air work can unquestionably be carried out best by a specialist organisation, such work should be done as part and parcel of the national survey and not as an independent operation.

Finally, emphasis should perhaps again be laid on the necessity of basing all methods of detail survey on a mathematically sound and physically adequate framework of reference points. The provision and the maintenance of such a framework is the first and most important requirement of a dependable survey. It is just as dangerous and short-sighted to build up a survey on an unreliable foundation as a house, or to fail to maintain that foundation subsequently.

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI

PART VI.—MEASURES RECOMMENDED. SETTLEMENT OF RIGHTS TO LAND AND LAND VALUATION

1–5. Settlement of Rights to Land

1. The injurious uncertainty and insecurity of tenure now so widely prevailing throughout el 'Iraq can only be terminated by a progressive settlement of rights to all individual holdings throughout the length and breadth of the country. This process may be left to the chances of a gradual consolidation over an indefinite future of the results brought about by the interplay of the innumerable social and economic forces operating among the population; or it may be brought about by the conscious statesmanship of Government aiming at the establishment of a sound basis for the development of national prosperity within as short a period as possible. It is such a deliberately planned settlement of rights to land alone that is considered here. Henceforward for brevity the process will frequently be called settlement of rights or simply settlement.

There are two radically different methods by which a settlement of rights may be undertaken throughout a territory. These may be termed respectively Sporadic settlement and Systematic settlement.

Sporadic settlement aims at allowing the work to be carried out piecemeal here and there as the circumstances of the particular settlement require, until it has been completed throughout the territory concerned. Thus any optional settlement must be sporadic, or any settlement which is compulsory on a specified occasion (e.g. when land changes hands).

Systematic settlement is effected methodically parcel by parcel until the work has been completed throughout the territory dealt with. A systematic settlement must be compulsory.

Sporadic settlement is the more attractive at first sight, because it appears to offer the same opportunity of settlement to all landholders in the country or even the possibility of an entirely voluntary operation. It has indeed been warmly advocated in el 'Iraq on the ground that it would be inequitable not to accord the same facilities to all those claiming rights to land. Actually, it is a delusion to suppose that by any method or expedient the same opportunities for settlement can be provided for all landholders everywhere at the same time. This is unquestionably desirable: but it is unfortunately impossible. Under the most favourable conditions any settlement of rights to land is bound to take many years to complete throughout the country. Consequently somehow or another a drastic selection or restriction must be exercised as to the holdings to be settled in any given period. A voluntary settlement would be unworkable. Applications might be made at the outset which would occupy the Settlement staff for years, or they might be so uncertain and irregular as to dislocate the work completely. Moreover, a voluntary settlement might drag on indefinitely everywhere. Again, a settlement effected when any land changed hands, or upon some such specific occasion, would demand staff and resources greatly beyond the country's means.

2: Dowson G-5 (1929-30) 1932 MH Iraq MH

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A sporadic settlement is sometimes possible in countries in which a great part of the necessary work of defining holdings, tenures and holders has been previously done, or in new countries in which the number of properties to be defined and recorded annually is relatively small. But a sporadic settlement is inevitably more difficult, more protracted and more costly—ordinarily very much more so—simply because it is essentially a settlement conducted in a haphazard and unmethodical manner.

But there are also more concrete obstacles which render any general sporadic settlement of rights to land throughout el 'Iraq impracticable. It would require a numerous and competent staff capable of visiting at short notice over a long period of years an unknown number of holdings indiscriminately scattered throughout the country, and of authoritatively deciding their rightful limits, tenures, holders and many important ancillary details. It would require a Survey Department sufficiently well staffed and equipped, and with its work sufficiently well advanced everywhere, to enable all these scattered holdings to be concurrently mapped and incorporated piecemeal in a national cadastral survey. And it would also require in operation throughout the whole country a General Land Registry capable of recording efficiently the results of each separate settlement as it occurred and of all subsequent changes affecting the land concerned. For unless such changes were regularly recorded the work would rapidly get out of date again and the settlement would never be finished.

Even if it is thought that the first of these three requirements might be satisfied, the second and third unquestionably could not. It is a technically difficult and a prohibitively costly proceeding to build up the cadastral survey of a mosaic of holdings throughout any large territory in a piecemeal way. In el 'Iraq it is impossible to do so, for the basic framework of triangulation on which such a survey must depend is for the most part lacking and will take many years to provide. Moreover, it has been shown already that the execution of a genuine cadastral survey is beyond the capacity of the country, even if it was carried out in an effective and economical manner. A sporadic settlement of rights to land throughout el 'Iraq is also impracticable because no General Land Register exists in which the results could be effectively recorded and subsequently kept up-to-date. Nor could such a General Land Register be readily established, even if the necessary financial provision could be made, as the history of the Tapu Land Register amply demonstrates.

There are further difficulties which need not be entered into. For it should be evident that it is impossible to attack the formidable task of effecting a settlement of rights to land in every part of the country at once. It is very much to be regretted that the long-standing disabilities of landholders cannot be remedied everywhere without delay. But since this is so, it is best to face the fact and at least to make a start at remedying them somewhere. The sporadic settlement of a limited number of parcels selected for some special reason is, of course, feasible, and may even be necessary. Thus the Government appears to be committed to the sporadic settlement of the miri groves and gardens, while the Tapu Department can hardly avoid continuing to seek to reconcile its records with fact whenever occasion demands. And there may be other cases in which public policy may require sporadic operations occasionally and exceptionally. But the main contention that a general sporadic settlement is impracticable holds true none the less, and however unavoidable and even justifiable a limited amount of privileged sporadic settlement may be, it is bound to be costly and to delay the progress of any general settlement out of all proportion to the extent of the territories specially dealt with in this way.

2. A systematic settlement offers the only realisable prospect of establishing any general certainty and security of land tenure throughout the country. Even a systematic settlement would take many years to accomplish. It is evidently more urgently needed in some parts of the country and under some conditions than others. But, gradually and systematically, settlement of rights to hold or use land under any form of legal tenure should be extended over the whole land surface of the country. And concurrently, as such extension proceeds, measures should be taken to prevent the territory that has been dealt with from reverting again to the confusion of rights and uncertainty of tenure now commonly prevailing. For although a complete survey and settlement would be most beneficial irrespective of subsequent measures, since an immense obstacle to progress would be removed by merely clearing up existing uncertainties and providing a sure starting point for title even for the next few generations alone; yet the full benefits of a settlement will evidently be thrown away if the stability and security of tenure gained thereby are not subsequently maintained.

The record (or General Land Register) of all holdings and their lawful holders that is needed for this purpose has been mentioned earlier (v, 6). It can be progressively compiled as survey and settlement are carried through the country. This is a very different thing to endeavouring to introduce it everywhere at once. As the compilation extends it can be kept up-to-date in conjunction with the survey by quite simple routine measures, provided the land law and current practice have been reconciled. Settlement should be undertaken, and the General Land Register arranged, geographically and follow the administrative divisions of the country—nahiya, qadha, liwa. When the boundaries of these divisions are doubtful they should be decided before or during settlement and survey. The necessity of adopting large territorial units of the muqata'a type as the main unit of survey and record has already been explained. It will be among the earliest, and not the least important, functions of settlement to subdivide each nahiya into these requisite units. Although existing muqata'as would naturally be adopted as such units when of suitable size and satisfactorily defined physically, yet these units need not in principle be units of property. Indeed, if they are to facilitate simplified operations as intended, they must frequently include a number of smaller parcels of property on the one hand, or they may represent portions of larger properties on the other. They should in short, primarily be chosen as convenient permanent subdivisions of the nahiya for the purposes mentioned, and be carefully distinguished as such from the units of property with whose boundaries they may coincide. To differentiate clearly between the two these units of survey, record and assessment, should be given a distinctive name. For convenience in this report they are provisionally termed Sections of the Nahiya (aqsam el nahiya), or more briefly referred to simply as sections.

3. When a settlement of rights has to be conducted under conditions similar to those in el 'Iraq—particularly in the general absence of a previous survey and reliable records—it must be conducted parcel by parcel in the field in the presence of the rival claimants, landholders and tenants, of their neighbours, and of the members of the local community generally. Only in the local setting can the Settlement Authority (whoever he be) get to understand the many-sided local problems on which he will be called upon to adjudicate. And only in that setting will he be able to obtain and weigh properly all the available evidence. A peasant who becomes befogged or lies in a Court-house or Government office will do so less readily when in local surroundings and in the presence of his neighbours who live on the land affected. His errors will also be more evident and be more easily rectified. Indeed,

185 pushed forward in conjunction with settlement operations without delaying the latter. Broadly speaking this means that settlement can be carried out as extensively as men and resources permit in the Irrigation Zone, but must be limited in the Rainfall Zone to the immediate vicinity of Mosul town (see Plates III and IV).

423 185 In this neighbourhood the land is widely held, or claimed, in tapu tenure (see Plate II) and special efforts have been made by the Tapu Department during recent years to clear up uncertainties and define the parcels justly affected. It was primarily on this account that a considerable block of isolated detailed survey has been completed here. Settlement of this block of territory therefore appears preponderantly to involve an investigation and definition of the parcels held in tapu tenure and, so far as such parcels are concerned, to have been in progress for some time. But rights to tapu tenure should be systematically reviewed and if possible rights to miri land concurrently settled, throughout this area by an independent Settlement Officer in collaboration with the Survey at an early date.

In the Irrigation Zone a considerable amount of detailed survey has been completed in every liwa and there is a wide range of territory in various stages of readiness for systematic settlement.

423 185 651 In el Amara, as is well known, the political and administrative conditions have been retained on an almost exclusively tribal basis, the miri lands (of which the liwa is almost exclusively composed) being farmed out to various tribal sheikhs for triennially assessed payments. It is impossible to discuss the details of these methods here; nor is there any need, since the agrarian conditions of no liwa have been investigated and reported on so regularly or so fully, owing to these periodic assessments. Each successive assessment has built on that which preceded it, but has been carried out in greater detail with increasing attention to the smaller men who hold from the leading sheikhs and really manage and work the land. If public security and genuine national consciousness continue to grow these periodic assessments should crystallise steadily into an effective settlement of rights to land. But the conditions under which the work had to be done in the past were extremely difficult, and if this end is to be obtained (and even if the revenue assessments are to be as equitable and reliable as is now reasonable and practicable) the work must be more closely based upon trustworthy detailed survey and rights be investigated more thoroughly than has so far been possible. A reassessment of the Amara estates (muqata'as) was due, and has doubtless been undertaken, this year. And under the agreements in force with the leading sheikhs the prevailing system terminates and is open to review in 1934. The consideration of fuller and more permanent settlement of rights in this district can therefore properly be left over until this termination approaches, or a further reassessment is arranged.

In the Basra liwa, as already observed, an excellent fiscal survey of the date gardens was carried out several years ago. And the principle of a regular Land Tax has long been familiar through the operation of Midhat Pasha's enlightened *jarib* tax.* The tenure of these gardens (mulk or miri) appears to be rarely, if at all, disputed. For the most part the mulk owners are well known, or could readily be determined. 185 Consequently a relatively minor effort would enable titles to be authoritatively reviewed and, when necessary, settled throughout the Basra reach on the basis of the existing survey. The respective responsibilities of garden owners and the State for the maintenance of the tidal [312] creeks off the Shatt el Arab, from which the gardens are largely watered,

* A commutation of the Government crop share on date gardens into a tax assessed by quality and area, carried out in 1871. A jarib=2667 square metres, or 0·66 of an acre.

2: Dowson G-5 (1929-30) 1932 MH Iraq MH

should also be decided on grounds of common interest and common sense, not by expositions of the law. 185

The management of the miri, or State Domain, date gardens must be mentioned as it has been the subject of controversy for some time and calls for some consistent policy. But interesting and important intrinsically as the points of principle and practice involved are, space does not allow of their consideration here. In its relation to the major problems of the land tenure of the country as a whole, this is a domestic question for the separate consideration of Government in its capacity as one landholder among many. 423

In the Muntafiq liwa, as we have noted, an authoritative settlement of disputes arising out of important and long-standing claims to hold land in tapu tenure was initiated recently under a special law (see iii, 4). But the work appears to be limited to investigations into claims to this tenure alone and thus to fall considerably short of the general settlement of rights to land that is needed throughout the country. If land is declared free of tapu rights it is, I believe, simply recorded as miri without any settlement of the rights of those in occupation of it. Even a successful settlement of tapu rights alone in this, or in any, area is no doubt a valuable contribution to the general introduction of secure land tenure needed: but when all the cost of carrying out investigation of tapu claims is being incurred in a district so honeycombed with them, it would be a great pity to miss the opportunity to effect a thorough and complete settlement. 423 185

And although it was natural, and very possibly desirable, to entrust this particular piece of settlement originally to a Commission, it is permissible to doubt whether the diversion of three important members of the judiciary and two important members of the administration from their normal duties will continue to be justified by any persistent delicacy or difficulty in the investigation of tapu rights in this particular district. The general widespread need of settlement in all parts of the country is commonly admitted. I have represented earlier that the only hope of satisfying this need within the lifetime of the present generation is to adopt the simplest and cheapest procedure and machinery possible everywhere. No doubt the size and composition of the Muntafiq Commission helped to inspire confidence among the disputants with whom it had to deal, but with all its qualities and advantages a Commission of this nature is bound to be costly and deliberate, and unduly to absorb for the benefit of one locality, public service and public funds which can be ill spared from the much wider general national effort that is needed. At a suitable opportunity (of which the Commission itself would be the appropriate judge) the work which they have initiated might be transferred to an organisation of the simpler character that I have recommended for adoption elsewhere, without breach of continuity, authority or efficiency. 423 185 647

In the remaining liwas of the Irrigation Zone there are several canal areas already mentioned (e.g. the Yuseflya canal area) which were settled by the Irrigation Department, when the canals irrigating them were remodelled or constructed. The work that I saw appeared to have been well done and was certainly well recorded. It should not be allowed to fall into confusion. Owing to various chances I did not succeed in visiting the Latifiya estate, which I very much regret, as the lessons to be derived from its methods and experience in the field of agricultural development should be extremely valuable; but in respect of land tenure it can no doubt be regarded as a specially granted and administered canal area.

The Dulaim reach is ripe for settlement because of much good investigatory work already done and recorded; but largely for this very reason, settlement (except possibly in its lower portion) can, I think, 423 185

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185 be delayed with less disadvantage here than in areas in which the unsolved pump problems cluster more thickly.

185 7. Throughout the Irrigation Zone as a whole it is the riverain tracts watered by pump installations which appear to me to call most insistently for early and authoritative settlement of rights. Economically it is these mechanically watered territories (whose approximate extent is indicated on Plate II and embraces about 10,000 square kilometres) that present the most urgent as well as the most intricate problems. And it is these territories that the most progressive elements in the nation are particularly endeavouring to develop.

It can be recognised now without reproach or fault-finding that the interests alike of the nation as a whole, of the claimants to prescriptive rights, and of members of the public willing to invest money and energy in the development of these riverain tracts, would have been immeasurably better served if all pre-existing rights had been properly investigated and settled, and if the parcels of land affected had been satisfactorily defined and recorded, before pump permits were granted in increased numbers and before agreements with reputed holders of prescriptive rights had been recognised.

The systematic settlement of rights to land throughout these tracts, that I have already recommended, affords a second opportunity of putting matters on to a stable footing; but it need hardly be repeated that the position of prescriptive holders has been appreciably strengthened and the extent of their claims appreciably increased in the interval. When such holders (corporate or individual) have in effect themselves invested money and effort in pump works, etc., this may be accepted without regret, provided their holdings promise to be effectively developed. Where, what may perhaps be briefly called, dual enterprises are in operation, it is impossible to formulate any general conclusions having regard to the great varieties of conditions in the terms of the agreements made and in the personalities concerned. But it can be said with assurance that a definition of existing rights still remains the first step to a clarification of the relative positions of those associated in these dual enterprises and that such clarification is, in its turn, the doorway towards improvement. Whatever mistakes have been made in the past, whether by the Government itself or by the parties concerned, there will be no hesitation in agreeing that it is in the common interest now, wherever and however reasonably possible, either to reconcile or to separate the interests of those unsuccessfully associated in these joint enterprises.

The complication of conflicting claims and rights in these riverain tracts is very great, but the conditions differ so much from one pump area to the next that there is no general decision that can clear up the existing tangle. This can only be done by a patient investigation and settlement parcel by parcel conducted by a competent and impartial officer equipped with the necessary powers. While I do not pretend that such a settlement of rights in these areas would be easy, I am quite confident that it is practicable. And there can be no doubt that it is most necessary both in the interests of the country as a whole and of the particular parties concerned in each case.

The normally convenient section of survey and record throughout these riverain tracts will tend to conform to the limits worked by a pump, or battery of pumps, as a unified agricultural holding. Sections so indicated will probably be fairly stable; but they may frequently require subdivision for fiscal assessment. High ground not commanded by the pump, or not worth cultivating, would be included or constituted part of an adjoining section, as best suited the general requirements of the work.

2: Dowson G-5 (1929-30) 1932 MH1 Iraq MH1

185 many pressing problems. I therefore suggest that two settlement areas should be constituted in these tracts, preferably one situated on the Tigris and the other on the Euphrates. From these as starting points, settlement of these tracts could progressively be extended up and down the two rivers until they had been completed.

The above is no doubt an extremely modest programme; but it is better to begin modestly than to continue to postpone these greatly needed land reforms indefinitely. After six months practical experience in the field, and of the cost and speed of the work in three different settlement areas, there would be solid grounds on which to base plans for an extension of operations.

185 It will not have escaped attention that the completion of the work already partly done in the Mosul and Basra liwas is not included in this initial programme. This is not because such exclusion can be contentedly acquiesced in, even temporarily, but because it appears to me that a cessation of the appeasement that has been started in the Muntafiq, or still further delay in placing pump cultivation along the river reaches on to a healthy basis, would be even more deplorable.

9. Land Valuation

651 9. For reasons given earlier (ii, 4) it has not appeared useful to comment either on the recently superseded land revenue methods or 185 on the two new laws But the old and the new appear mutually to envisage the eventual establishment of a regular land tax or Government rental, if this term is preferable. By this I mean the valuation of the land by appropriate means and the assessment and imposition of an annual payment based thereon. Thus, in the explanation issued with the displaced land tax assessment law,* the Land Revenue policy of Government was described as "the imposition of a fixed assessment in cash per unit of area of land," while the universal application of this method ultimately was foreshadowed. And Article 6 of the law required that the process of assessment should include survey, the classification of the land into grades according to the quantity and value of the produce, and the resulting assessment per unit of area of each grade.

And I understand Article 6 of the second of the new laws to provide for the early completion of the survey and valuation of all cultivated miri land and all irrigated tapu land with a view to the assessment and imposition of an annual rental thereon.

The ultimate objective in this important sphere of reform therefore appears essentially to be unchanged, and it is an objective which, in my opinion, alone offers any prospect of escape from the inequalities, irregularities, uncertainties and hardships inseparable from the wisest and most carefully considered combinations of stop-gap methods lacking a uniform and systematic basis. For pending a methodical valuation of the land there are bound to be seriously unsatisfactory features in any land revenue expedients adopted.

185 The section of the nahiya (qism el nahiya) suggested earlier as the land unit of immediate topo-cadastral survey and record (v, 7, and vi, 2) should also constitute a suitable land unit for revenue purposes, if carefully selected with this further object also in view. No doubt the quality of the land within the limits of such sections will not be strictly uniform, and may frequently include salty or other uncultivable patches on the one hand, and possibly gardens or other exceptionally fertile pieces on the other. When the conditions really justify it, areas differing markedly from the general quality of the land within the section can be excluded or specially treated; but so far as practicable an average valuation of the section should be aimed at, taking the good with the

* "Law prescribing the methods of assessment of land tax and rent due to Government." No. 40 of 1929.

2: Dowson G-5 (1929-30) 1932 MHl Iraq MHl

PART VII.—MEASURES RECOMMENDED. LEGISLATION, INITIAL FEES, GENERAL CO-OPERATION

1 and 2. Legislation

185 1. I have neither thought it possible nor useful to endeavour to catalogue the many ambiguities, omissions, contradictions and redundancies of the Statute Law as it stands. The existence of serious defects in all these respects is not likely to be contested; nor that the law must be made consistent, intelligible and adequate, if the tenure of land is to be put on a clear and stable legal basis. But two conditions must be satisfied before any constructive amendment of the law can be advantageously undertaken.

In the first place we should know where we stand. In the second we should know where we are going. The first demands a careful study and authoritative statement of the existing law with a view to as complete an elucidation as possible of the points on which it is ambiguous or defective, in preparation for comprehensive clarification and amendment, as well as as a guide to those dealing with land questions in the meantime. A similar need arose in Palestine and was met by a most valuable "Statement of the Land Law of Palestine" prepared by Messrs. Goadby and Dukhan in 1927. Copies of this work were supplied to the 'Iraqi Government at the time. For although recent legislation in the two countries is different the foundation of their land law is, of course, the same. The preparation of a similar statement of the existing Land Law of el 'Iraq should be greatly facilitated by this previous work. But in el 'Iraq custom and administrative practice exercise so much wider and more powerful an influence on land dealings than the statute law, that special provision should be made to include them in an appropriate manner in such a statement.

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I recommend that two competent officers shall be nominated by Government to undertake this important preparatory work. I suggest that one of these shall be an officer with legal training and knowledge of the existing land law and of its administration in the Courts, and that the other shall be an officer with personal knowledge and experience of the actual practices prevailing in the holding, use and transfer of land throughout the country These officers should be instructed to make specific recommendations in due course for the progressive amendment and codification of the Land Law.

The second requisite preliminary is a decision by Government on the critical questions of principle or policy, which occasioned the present inquiry, and on points of law which are presented in the suggested statement.

2. The direct object of a general settlement of rights is the establishment of land tenure progressively throughout the country on a firm foundation of legal right determined in a judicial manner on the spot with reference to actual and physically defined parcels of land. Moreover, to perpetuate the definition and security of tenure thereby obtained, the results should be suitably incorporated in an effective record (or Land Register) which thereafter is continuously kept up-to-date. The whole

2: Dowson G-5 (1929-30) 1932 MHl Iraq MHl
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absence of all data on which such an estimate could be dependably based. But the lessons of the Egyptian experience in the conduct of its parallel revenue settlement should not be overlooked. The Egyptian revenue settlement was initiated by Decree dated February 9th, 1879. It was not completed until 1906. The statistics of the progress achieved during these twenty-seven years are instructive. In the first nine the work was an entire failure because it was attempted without a proper basis of land survey. During the following four years it was abandoned in despair. In the next seven years a quarter of the country was done with the aid of an indifferent sectional survey. In 1898 a unified and effective national Survey was at length recognised as indispensable. In the succeeding eight years the remaining three-quarters of the country was finished, and the quality of the work improved even more than the speed, as sound technical methods were introduced and enabled improvements in the general procedure of the settlement to be adopted. It will thus be seen that owing to the initial failure to appreciate the fundamental necessity of a scientifically sound and appropriate cadastral survey, the revenue settlement of Egypt occupied twenty-seven years whereas its final progress shows that it could have been completed in ten.* It will be remembered that the Turkish legislators had also recognised before the war the necessity of a foundation of reliable cadastral survey for land tenure throughout the Ottoman Empire (iii, 3).

Now while the land surface to be dealt with in el 'Iraq is much greater than in Egypt the individual parcels requiring investigation and settlement will be many fewer although no doubt appreciably larger in extent on the average. Thus three and one third million individual holdings were recorded during the revenue settlement of Egypt, a number which considerably exceeds the total population of el 'Iraq. On a comparable basis the number of individual holdings in the latter might be expected to be about 800,000. As the population is still so largely nomadic half a million is probably nearer the true figure. (See also ii, 4 and Table V).

Although the fuller benefit of a settlement of rights was not practicable in Egypt at the time, owing to various reasons, the procedure was similar: but unfortunately no deductions can be drawn therefrom as to the speed of settlement of rights in el 'Iraq, because all the conditions in Egypt were so different.

4. The Main Problem of Tenure

4. As we have already seen, the land surface of el 'Iraq is more literally than in most similar cases a vast national estate. The extent of land held in private ownership (mulk) is small, and although it is intrinsically important, its legal position is clear and its regulation presents few difficulties. Probably four-fifths of the cultivable area of the country is in law fully and freely owned by the State and when cultivated held in practice under the general administrative control of its representatives. And even the legal ownership (raqaba) of the balance is vested in the State although, subject to important conditions, its usufructuary possession is held on a permanent heritable and assignable tenure. This tenure (known commonly as tapu) is that applicable under the provisions of the Land Code to all State land. The Ottoman Administration persistently sought to give effect to these provisions, but failed to do so because the successful operation of this tenure is impossible without an accompaniment of effective survey and land registration,

* See Paper 5. Egyptian Government Commission on Registration of Title to Land. 1917-21. Government Press. Cairo.

which the Administration were unable to provide. And even if this radical defect had been remedied the application of this advanced tenure would have been premature throughout the majority of the country. So that to-day—more than half a century after the introduction of the Ottoman Land Code in the country—only a fraction of the cultivated region is somewhat uncertainly held on tapu tenure, while throughout the overwhelming balance, land is for the most part occupied and cultivated on no legal tenure at all.

The injurious effects of the prevailing welter of insecurity and confusion both on agricultural productivity and on public order have been emphasised in the body of this report and are too well known to need repetition. The main problem of land tenure may therefore be summarised as the need to establish security and clarity of tenure everywhere by a general definition and settlement on a clear legal basis of both statutory and equitable rights to land. The broad objective should be to confirm and maintain beneficial occupation and use, whenever this is reconcilable with the equitable treatment of third parties and the just interests of the public.

It is very understandably urged that the proper course is to extend tapu tenure generally throughout the cultivated territory, subject of course to the requisite clarification of that tenure and its adaptation to national requirements. Excellent as the chief characteristics of tapu tenure are, and advantageous as the suggested course may prove ultimately to be, this is too ambitious a plan to be practicable at present. It is what the Ottoman Government attempted and failed to do, and the causes for their failure must be remedied before that attempt can be successfully repeated. This was implicitly recognised by the Turks themselves some years before the war in a provisional law already cited. No useful purpose will be served by examining here the prospects of practical success of this now defunct measure. But it is certain that it is beyond the present capacity of el 'Iraq to establish the detailed cadastral survey and land register of the requisite accuracy and authority. And without these accompaniments any ostensible general introduction of tapu tenure would be to grasp an attractive shadow in preference to the substance of a solid and attainable reform. To place even the admitted rights to tapu tenure on an intelligible and proper basis will be a most difficult and lengthy undertaking.

Occasional and sporadic grants of miri land in tapu tenure can, of course, be made and implemented in due course if special justification arises and special efforts are taken. But no general grant of tapu tenure can be made effective for many years to come. And while islands of secure tenure and good culture are most valuable, it is the establishment of a general reform giving security of tenure to the mass of existing landholders and cultivating tenants, which is needed to stimulate enterprise and development throughout the length and breadth of the country and thereby promote economic revival on a national scale.

A hardly less important accompanying reform is the establishment of a uniform and equitable basis for land revenue collection. Here again the Turkish administrator perseveringly sought to establish in his land tax (werko) a measure admirable in principle and conception. But here again he was unable to translate his measure effectively and generally from the Statute book to the land. And here again no far-reaching or solid success is practicable in the absence of a reliable land survey, or without a general settlement of rights and a methodical valuation of the land, as was also ultimately recognised by the Ottoman Government.

3: Clark S-5 (1950) 1951 MH1 Iraq MH1

651 Government officials whose incomes are known and to a minority of the merchants, should be extended to other forms of income, and that provision should also be made for an inheritance tax. There can be no doubt that, if income tax were extended to other forms of income, a wealthy section of the community who at present derive large incomes from land ownership and other sources would contribute much more than they do at present to the national revenue. Another suggestion put forward is that customs and excise duties should be adjusted to *ad valorem* rates to bring them more into accord with post-war prices. They also recommend that the consumption or sales tax, which is at present a fixed rate of 12.5 per cent on produce sold, should be replaced by a form of sliding scale tax related both to land values and to the use made of land. In advocating this important change the reformers maintain that this would produce more revenue, would prevent existing evasions and would also serve as an incentive to increased agricultural production.

It is not within the competence of the writer to comment on the validity or practicability of revenue reforms of this kind. It is clear, however, that there is a fertile field for intelligent enquiry into methods for producing that additional budget revenue without which educational and other advance will be slower than is desirable.

311 *The Problem of Land Tenure.* While it is possible that measures such as those indicated would produce valuable additions to the national revenue, the fact remains that the main source of Iraq's future wealth must be the proper exploitation of the land. Upon this depends that higher standard of life for the bulk of the population, and the concomitant increase of wealth for both private and public use, without which the country will never be able to enjoy that abundant life which the rich natural agricultural resources of Iraq make possible. Unfortunately the country's enormous agricultural potential is greatly hindered by the system of land tenure.

423 The land tenure system of Iraq is far too complicated a subject fully to be examined in this study, but the following extract from Sir Ernest Dowson's classic report on this problem gives some idea of its effects and ramifications:

> The injurious effect of the existing welter of uncertainty and dispute upon both the agricultural prosperity of the country and public order can hardly be exaggerated. Every one directly or indirectly concerned with agriculture in Iraq must know many individual cases in which the development and use of the land has been gravely obstructed by the widespread insecurity

3: Clark S-5 (1950)1951 MH1 Iraq MH1

and confusion of rights. Indeed the most diligent inquiry would be unlikely to reveal anywhere any appreciable number of holdings, small or large, held in undisputed possession and free from hampering and conflicting claims. It needs no great effort of the imagination to appreciate the blighting effect of these unhappy conditions prevailing throughout the country, upon the prosperity of the main national industry and the welfare and contentment of the people as a whole.

Put very briefly, with the exception of small areas, mainly in Northern Iraq, together with some smaller areas of a few yet hopefully significant State-sponsored schemes of land settlement, the bulk of the cultivated land of Iraq is in the possession of large landowners. Some of them may not enjoy the holding of this land by confirmed legal right but, to all intents and purposes, they own it and derive immense incomes from it. Others, by legal process, the validity of which is disputed by land reformers, have gained possession of lands which were formerly held in common tribal use.

These landowners, or landholders, are usually sheikhs or absentee urban landlords who let the land to share-tenants through a hierarchy of lessees or agents, at the bottom of which is the landless cultivator who gets an incredibly small share of the produce of his labour. Indeed, the actual cultivator under this invidious system of share-cropping may get anything from ten per cent to thirty per cent of the produce of the land which he works, most of the remainder going to the large landowners, agents or owners of irrigation pumps. The situation may vary from landlord to landlord, and very occasionally the actual cultivator is said to share fifty per cent of the produce. In general, however, the position of the Iraqi countryside is one of great extremes of wealth and poverty. The landowner may live in a sumptuous style with a town house and country palace, while the peasant cultivator may live under conditions of poverty or near-destitution.

It is not possible in this study to attempt more than an outline of the causes and effects of this situation. It arose partly out of ancient confusion of titles which meant that, with the break-up of the tribal system, the most powerful member of the tribe was able to appropriate for his own purposes land which was originally intended for the common good of the tribe. It is due partly to the faulty application of the Ottoman Land Code under which, because the small cultivator was not strong enough to establish his rights of title, these rights fell to the sheikh. The profits derived from the Persian Gulf grain trade in the late 19th and early 20th centuries gave a further impetus to what has been described as 'this wholesale land grabbing'. Finally, with the development

3: Clark S-5 (1950) 1951 MH1 Iraq MH1

of modern pump irrigation, both landowners and urban speculators were able as pump providers to secure further advantages over the small peasant cultivator. The outcome of this combination of cupidity and circumstance is such that an experienced investigator into the land problems of the Near and Middle East maintains that 'the bulk of the land has come into the hands of a class from whom no leadership in agricultural methods can be expected and which is tyrannous, callous and oppressive'. This generalization is, however, not entirely just, for a minority of the landowners appear to take a greater interest in the welfare of their tenants than might be assumed. But, with few exceptions, the share-cropping peasant cultivator of Iraq lives a hard life of poverty which is only mitigated by ignorance of better conditions.

It is necessary that this problem of land tenure and its effects on the economic and social life of the country should be fully appreciated, and this for three vital reasons.

Firstly, the land is the main source of the future wealth of Iraq, and consequently of revenue for educational and other social purposes. There are, of course, those other possible sources of increased revenue indicated earlier in this chapter and, as will be suggested later, it is to be expected that the steadily increasing royalties from oil exploitation will contribute to the country's resources for social progress. But it must be reiterated that the most important source of national wealth in Iraq is the land.

Secondly, although improved methods of agriculture and of the organization of rural life are badly needed, these are hardly likely to be promoted by landowners who are interested in the *status quo*.

The agricultural productivity of 'the land between the two rivers', once renowned for its robust fertility and abundant crops, has fallen to an extraordinarily low level. The superficial causes of this lamentable state of affairs are primitive methods of husbandry, the lack of application of power and science to the land, insufficiency of irrigational facilities and the misuse of those that exist. Until improved methods of cultivation, stock rearing, harvesting and marketing, accompanied by a sound system of agricultural education both in the schools and at the adult level are applied, there can be little prospect of the land of Iraq being that rich source of wealth through which the people may live more abundantly. These improvements, however, are not likely to materialize under the existing land tenure system.

Thirdly, there can be little expectation that Iraq, constitutionally a democratic country, will develop effective democratic institutions, both centrally and locally, so long as the standards of the bulk of the population remain at so low a level.

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with some of those concerned that the question of rentals is to be considered. Capital also will soon be needed for drainage works and, here again, the tenants should be expected to make their contribution.

With this possible drawback which may soon be set right, the Dujaila Scheme of Land Settlement is important as a pointer towards one means of altering the prevailing land tenure system. As has been suggested earlier in this study, so long as this system remains unaltered it will never be possible to produce sufficient national wealth and to release that part of it which is necessary for the finance of projects such as the provision of compulsory education. Radically to reform the land tenure system at the present time would not be possible, because those who profit from it are a powerful influence in the country. Fortunately, however, there exist great tracts of uncultivated government land throughout the country which, when water is brought to them in a way similar to that in the Dujaila area, will be amenable to similar development.

Projects of this kind are being applied in five or six other regions, although most of the others are not at the advanced stage of the Dujaila project. The scheme of land settlement is significant in relation to the future development of education in that, if it continues as present indications suggest, it is both providing more taxable wealth for public services and is raising the standard of living of its participants who should thus be more ready to seek educational opportunities for their children. Equally important, it is producing men with a greater freedom and independence who are bound to be more articulate concerning social affairs and who will ultimately be able to play their part in democratic local government. One of the features of Iraqi political and social life which strikes a visitor to the country is that, apart from the official class who, incidentally are mainly men of urban background or urban education, there is little in the way of a middle class in the towns and nothing approaching a middle section of the community in the villages. It may well be that, by providing the participants with a better standard of life and consequently of self-esteem, land settlement schemes of this kind will have the effect of promoting a rural middle class who will not only bridge the existing wide gap between the very rich and the very poor but will demand their share in local affairs and thus help to promote a more vigorous local government.

Great credit must go to the Government for fostering such a bold social experiment, to the Director of the Dujaila Project for his obviously selfless devotion to the work, and to the Provincial Director of Education for attempting to plan a schools system in

sumption; and other fruits and nuts are cultivated, mainly in the North.

Livestock raising is an adjunct to agriculture rather than an integral part of it. Sheep and goats predominate because they thrive despite poor grazing and feeding. Sheep and goats, as well as camels, are kept primarily by pastoral nomads who probably number well over 200,000. Cattle and water buffaloes are the livestock of the settled agricultural population. Many peasants, however, have no livestock at all except for a draft animal or two. Livestock are left to forage for themselves, with only some supplementary feeding with straw and perhaps barley in the winter. Only livestock in and around the cities are systematically fed.

Crop yields are generally low. The water supply is frequently inadaquate. Agricultural methods have on the whole remained unchanged for centuries. Little or no animal manure or fertilizer is applied to the soil, animal dung being used largely for fuel. Crop rotation is wholly inadequate and makes little or no provision for soil-building crops. Salinity, attributable to poor drainage, has materially lowered the productivity of land in the irrigation zone. Owing to insufficient and poor draft animals and lack of proper equipment, the soil is often poorly prepared, and weeds detract from the yields. Up to half of the winter crop area is left fallow as a means of restoring fertility, but since the land is generally allowed to go up in weeds to afford grazing for animals, the efficacy of the fallow system is limited. The productivity of livestock is also low, primarily because of inadequate feeding, but also because of poor breeding, disease and insufficient shelter.

Except for some rather limited areas in various parts of Iraq and a promising settlement in the Dujaila district of south-central Iraq, the country is almost wholly devoid of peasant proprietors. The ownership of cultivated lands is largely in the hands of sheikhs and urban proprietors who entrust the actual cultivation in small parcels to sharecroppers. These sharecroppers have neither the equipment nor the knowledge to increase production and for the most part eke out a bare subsistence.[2] The land assigned to the

[2] According to the cadastral survey which is half completed, 67.1 percent of the privately-owned land is in units exceeding 1,000 donums. (One donum equals 0.25 hectares or 0.617761 acres.)

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fellah or peasant generally changes from year to year so that the cultivator has virtually no incentive to improve it. Moreover, the sharecropping system discourages the cultivation of animal fodder crops since the customary apportionment of shares between landlord and tenant does not lend itself readily to such crops. Most of the landowners themselves show little interest in improving agriculture. Enjoying a large share of the crop with the expenditure of little or no effort on their part, they have little incentive to raise output. In recent years, however, an increasing number of landlords have been displaying a direct interest in improving crops and diversifying production. Some of them have been instrumental in raising production by installing pumps for irrigation, introducing new and more remunerative crops such as cotton, and investing in agricultural machinery.

The depressed economic condition of the fellah or sharecropper undoubtedly retards progress. It undermines the health and vigor of the rural population, limits the market for industrial products and may in the long run jeopardize the stability of the social order. The sharecropper's plight is attributable both to his poor economic bargaining position and to the low productivity of agriculture. In the irrigation zone the fellah generally gets only half of the crop even though the state has provided the irrigation works; and his share falls substantially below this percentage whenever the land is irrigated by privately-owned pumps or the landlord supplies seed, draft animals or machinery. In a country where capital is scarce in relation to manpower, the ability to provide the means of production—land, seed, animals and machinery—almost invariably also carries with it the ability to exact a high proportion of the return. In Iraq this is reinforced by a law which forbids the sharecropper to leave the land as long as he is indebted to his landlord, which is generally the case. In the long run the sharecropping system could be made quite tolerable if the productivity of the land were raised; and the economic bargaining power of the sharecropper could be increased by giving him access to the means of production—seeds, animals and implements—on more favorable terms through such institutions as cooperatives. In the shorter run, however, the sharecropper's position is likely to improve only as the landowner takes steps to improve his lot in order to keep him

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on the land. There is apt to be increasing pressure on the landowner to take such steps as a result of the growing opportunities for alternative employment created by a large increase in public expenditures on development, the expansion of industry and the opening of state lands to settlement. In fact, unless the sharecropper's status is improved, there is a great danger that there will be a continued flight of labor from the land, impairing the country's agricultural production.

The government itself has made only a modest contribution to the advancement of agriculture. The Directorate-General of Agriculture is only a subordinate department in the Ministry of Economics and has been severely handicapped by lack of funds and a shortage of competent agricultural officers. While it has had some success in combatting pests and diseases and in the extension of such crops as cotton and citrus fruit, too little attention has been devoted to practical research, and almost no field work has been carried out to assist cultivators in improving their crops and methods of cultivation. The expenditures of the Agriculture and Veterinary Departments were actually cut from ID 1,160,000 in 1948-49 to ID 540,000 in 1950-51 and, at the latter figure, represented only 1.8 percent of the total budget outlay. Expenditures on both agriculture and irrigation 1950-51 amounted to only 6.7 percent of the total.

Plans for the future now envisage large water storage and irrigation projects to provide more water for land already in use and to increase the area under cultivation and provide for the settlement of new land. These plans are in general quite sound. They will be largely ineffective, however, unless at the same time more stress is placed on arresting the deterioration of land already in use by extensive drainage schemes and on raising the productivity of agriculture by other means. The establishment of an efficient extension service and the provision of incentives to improve methods of cultivation are particularly important in this connection.

Expansion of Area under Cultivation: Irrigation

Extension of the area of land under cultivation is vitally important not only to an increase in production, but, above all, as

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241 312 has led to the progressive silting and raising of rice lands, thereby pushing rice culture deeper into the marshes.

312 Finally, the Mission wishes to emphasize the importance of improved operation and maintenance of existing irrigation works. To insure proper functioning of the irrigation system the canals must be equipped with an adequate system of regulator intakes and [423] distributors. Rational distribution of water is often impeded by ancient water rights which insure some landowners a disproportionately large share. In times of scarcity the apportionment of water is often hotly disputed and subject to favoritism. The right of access to water across the lands of other farmers is inadequately insured. A sufficient number of adequately compensated irrigation officials of acknowledged probity is necessary to a fair distribution of water. They should be assisted by local councils of farmers who would gradually learn to approach the problem of equitable distribution in a cooperative spirit.

Lack of maintenance has been a serious problem in the past. To facilitate maintenance, irrigation systems should be equipped from the very beginning with such works as roads along canals, canal crossings for people and livestock, water-holes and washing places. To insure adequate operation and maintenance in the future, the Mission recommends that the annual budget of the Irrigation Department, which has averaged only ID 270,000 over the last ten years, should be increased progressively to about ID 1,000,000. The technical supervisory and planning staff also needs to be strengthened

The Rain-fed Zone

Except for some areas west-northwest of Kirkuk and the possibility of ultimately irrigating part of the Erbil plain with the water stored behind the Bekhme dam, large-scale irrigation schemes for the North do not appear feasible. Lack of suitable dam sites and topographical difficulties militate against such schemes. Smaller projects, utilizing the water of small streams, springs or wells are possible, however, and these should not be neglected in favor of the more striking, larger schemes. In many parts small streams and springs are already being used, but with direction and stimulus provided by the government these could be improved and many

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TABLE 2

CULTIVABLE LAND, CROPPED LAND AND LAND IN AGRICULTURE USE
(in millions of donums)

CULTIVABLE AREA		48.1
Irrigation zone	32.1	
Rain-fed zone	16.0	
AREA ACTUALLY IN CROPS		11.1
By area		
Irrigation zone	7.6	
Rain-fed zone	3.5	
By type of crop		
Winter	8.4	
Summer	1.9	
Orchards	0.8	
AREA UNDER CULTIVATION		17.5

These figures would indicate that the area under cultivation, taking into account the assumption that almost half of the area devoted to winter crops is normally left fallow, is only about 36 percent of the total cultivable area. In the rain-fed zone the area under cultivation could theoretically be more than doubled; and in the irrigation zone it could be almost tripled. Unquestionably these figures give a somewhat exaggerated impression for it is likely that the criteria employed in classifying land as cultivable have been rather liberal, but there is little doubt that the area under cultivation can be greatly extended. What would be required in detail to put this additional cultivable land in actual use is not known, but, in the irrigation zone, water and drainage are undoubtedly the prime prerequisites while, in the rain-fed zone, more manpower and machinery may be the principal requirements.

Forms of Land Tenure

Land is held under a complicated system of tenure which has given rise to much confusion and conflict. In accordance with traditional legal concepts the state has retained the ultimate legal title to nearly all the available land. Absolute private ownership, known as *mamloukah* or *mulk*, is confined to urban property and orchards. Rights to the permanent usufructuary possession of a large proportion of state or *miri* land have been acquired by private

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423 471 individuals, however, under conditions which are virtually indistiguishable from full private ownership, since the holdings may be sold, mortgaged or transferred to successors. In the past, claims to land were established in most cases quite informally without the benefit of full legal sanction, i.e., by simply occupying the land. Tribal lands were generally regarded as being held in common. As, however, the tribes were converted from nomadic pursuits to settled agriculture, the sheikhs and sub-sheikhs of the tribe gradually established a claim to such lands as their own property and thus became landlords, with their tribesmen as sharecropping tenants.

423 In the 19th century the Turkish government sought to establish a single legal system of tenure, known as *tapu*, but in the end this effort only compounded the confusion. There were no systematic grants of *tapu* tenure. Grants were generally made without any examination of conflicting claims and were used as a means of rewarding the favored few. The grants that were made at that time to the Sadun clan and a few other influential persons in Muntafiq province remain contested to this day by the actual occupiers of the land. With the introduction of *tapu* tenure many village areas in the North apparently were registered in whole or in part as the personal possession of local notables or *aghas* who in the past had acted as tax farmers and served generally as intermediaries between the government and the cultivators. In the twentieth century a further complication was added by the rapid introduction of pump irrigation. City merchants financially able to buy pumps entered into arrangements with occupiers of *miri* land for the supply of water against specified shares in the crop, thus creating new claims to land without resolving the fate of any pre-existing claims.

423 654 Following a study of this question by Sir Ernest Dowson, a British land expert, the government decided in 1932 to end the confusion by inaugurating a cadastral survey to be carried out by a number of so-called Land Settlement Committees. The law of 1932 as well as the law which replaced it in 1938 recognized the following types of land tenure:

— *Mamloukah* or *mulk*—land held in absolute private ownership.
Matroukah—land reserved for public purposes.
Mawqufa or *waqf*—land which is administered in trust (1) for

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the benefit of religious institutions by the state Awqaf Administration, or (2) for the benefit of private persons by *mutawallis* appointed by religious courts. This type of *waqf* must be distinguished from so-called untrue *waqf*, namely property from which the taxes or revenue were in the past assigned to religious institutions by the Turkish government.

Miri tapu—land held in permanent tenure from the state under conditions enabling the holder to sell or mortgage it and leave it to his successors. Proof of such tenure may be supplied by documentary evidence or by factual evidence that the land has been used productively by the holder or his predecessor for 10 years during which no land rent was paid or that it has been planted with trees meeting specified conditions.

Miri lazmah—land held under generally the same conditions as *miri tapu*, but with the stipulation that the government may veto the transfer of such land if it tends to disturb the peace, a precaution designed to prevent, where necessary, the transfer of tribal lands to people outside the tribe. *Lazmah* grants are made upon proof that a person has made productive use of the land within the preceding 15 years.

Miri sirf—land, particularly vacant or idle land, definitely acknowledged as belonging de facto and de jure to the state.

Although *tapu* and *lazmah* land are still recognized as *miri* or state land, they are in fact hardly distinguishable from full private ownership. In theory, possession of these lands may lapse if they are not productively used for three successive years in the case of *lazmah* and for four years in the case of *tapu*, but this apparently happens rarely, if at all. Prior to 1939 holders of such land were generally required to make to the state a payment for rent and water rights which was lower for *tapu* than for *lazmah* land, but in that year these assessments were abolished in return for amortization of their capitalized value over a period of 10 years. With the abolition of these payments there now remains very little distinction between *tapu* and *lazmah*.

The cadastral survey has now been completed for about half of the land in the 14 provinces in Iraq. The progress achieved is set forth in the table below. It will be noted that 61 percent of the total land surveyed and 51 percent of the cultivable land sur-

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TABLE 3

LAND CLASSIFIED ACCORDING TO TYPES OF TENURE BY CADASTRAL SURVEY*
(in donums)

	Cultivable	Uncultivable	Total
Total area to be classified	—	—	107,045,725
Total area classified by Feb. 8, 1951	38,188,575	12,268,459	50,457,034
Mamlukah (mulk)	150,601	22,366	172,967
Matroukah	9,296	1,686,912	1,696,208
Mawqufa (waqf)	549,198	36,538	585,736
Miri tapu	8,370,595	698,987	9,069,582
Miri lazma	7,371,720	485,291	7,857,011
Miri sirf	21,737,165	9,338,365	31,075,530

* For fuller details, see Table I in the appendix.

veyed has been definitely adjudged to be *miri sirf*. Only a small part of the land is actually being exploited today. About 1.6 million donums is let by the state on triennial leaseholds which may be renewed once by the same holder. Virtually all of the land in Amara province is also leased out by the state. Here, however, it is held under virtually permanent leaseholds by sheikhs who have been rewarded by rather large tracts of land in return for maintaining order and performing other services in this province which has a somewhat unruly past.[2] The remainder of cultivable *miri sirf* land is in theory still available for exploitation. Presumably most of the better and more accessible lands have been alienated to private holders, and that remaining to the state is in large part relatively poor, inaccessible, or not susceptible of irrigation. Nevertheless, there is undoubtedly a large reservoir of state land which can still be opened to cultivation, particularly if irrigation is provided.

425 A feature of the 1932 law inaugurating the cadastral survey was the introduction of *lazmah* tenure. This type of tenure was designed to recognize prescriptive rights to tribal lands. In practice, the sheikhs rather than the tribesmen have benefited from this provision of the law. *Lazmah* grants could be obtained on proof

[2] In all there are 290 leaseholds of cultivated state land in Amara of which 13 are between 10,000 and 35,000 donums, 10 between 5,000 and 10,000 donums and 95 between 1,000 and 5,000 donums.

7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

that the land was cultivated and a crop produced in any one year, and the land settlement officers, who have sometimes been inexperienced and subject to influence, have on occasion accepted even more tenuous evidence as proof of a prescriptive claim. In this way a large portion of state land has been alienated to sheikhs and other influential persons, and the number of large landowners has multiplied.

Distribution of Land

Complete data on the distribution of landholdings are not available. For the area covered by the cadastral survey, it is possible to classify private landholdings into various categories according to size. Such a classification, given in the accompanying table, shows that holdings of 1000 donums or less account for only 15.7 percent of the area. This is indicative of the small number of peasant proprietors. On the other hand, holdings of over 1,000 donums accounted for 67.1 percent of the total of privately owned land, while those of more than 10,000 donums comprised 24.3 percent of the area. Moreover, the importance of large holdings is undoubtedly underestimated by these figures. The cadastral survey has proceeded by areas known as *muqata'as*. In a number of cases landowners have holdings in several *muqata'as*, but these have been registered as separate holdings. Thus, according to the cadastral survey, there is only one holding in Kut in excess of 100,000 donums (namely 174,251 donums), although it is generally reported that there are actually several holdings well over 300,000 donums.

The accompanying table indicates that the highest proportion of small holdings is apparently in Basra, Dulaim, Kirkuk and Suleimaniya. The provinces of Kut, Amara, Mosul, Diyala and Kerbela have the highest percentage of large holdings.

The Sharecropping System

Although the amount of land cultivated directly by the landowner has increased since the last war with the use of modern machinery, particularly in Mosul and Baghdad provinces, the great bulk of the land is tilled for the landholder by peasants or fellahin against a share in the crop. The sharecropper is not a tenant in the sense that this word is generally used in the western world. He has no discretion in the use of the land and does not lease a

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TABLE 4

Distribution of Private Landholdings According to Cadastral Survey

(*mulk*, *tapu* and *lazmah* holdings)

Province	Percentage of Total Area by Cadastral Survey	Percentage of Area Covered by Cadastral Survey in Holdings of:									
		1-100 donums	101-500 donums	501-1000 donums	1001-10,000 donums	10,001-100,000 donums	100,001-200,000 donums	less than 501 donums	than less 1001 donums	over 1000 donums	over 10,000 donums
Mosul	64.2	17.1	4.1	2.8	48.8	27.2	—	21.2	24.0	76.0	27.2
Erbil	31.7	19.9	12.7	4.7	57.4	5.3	—	32.6	37.3	62.7	5.3
Kirkuk	44.4	32.4	13.9	5.0	29.8	18.9	—	46.3	51.3	48.7	18.9
Suleimaniya	14.3	24.7	18.1	8.9	42.4	5.9	—	42.8	51.7	48.3	5.9
Diyala	37.9	4.1	9.8	11.3	61.3	13.5	—	13.9	25.2	74.8	13.5
Dulaim	46.6	24.0	36.3	8.2	19.0	12.5	—	60.3	68.5	31.5	12.5
Baghdad	68.7	13.8	17.1	10.7	37.5	20.9	—	30.9	41.6	58.4	20.9
Kut	100.0	1.8	5.4	4.4	35.7	45.7	7.0	7.2	11.6	88.4	52.7
Hilla	94.7	18.4	13.7	9.4	41.0	17.5	—	32.1	41.5	58.5	17.5
Kerbela	42.5	15.7	7.6	1.6	43.8	31.3	—	23.3	24.9	75.1	31.3
Diwaniya	26.2	16.4	19.0	9.9	34.1	20.6	—	35.4	45.3	54.7	20.6
Basra	20.6	25.5	16.5	6.8	43.9	7.3	—	42.0	48.8	51.2	7.3
Amara	37.7	2.9	2.7	5.0	13.6	75.8	—	5.6	10.6	89.4	75.8
Total	50.0	15.7	11.0	6.2	42.8	23.2	1.1	26.7	32.9	67.1	24.3

7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

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TABLE I-A

Land Classified According to Types of Tenure by Cadastral Survey up to February 8, 1951

CULTIVABLE LAND

(in donums)

Province	Total Area of Province	Area Classified						
		Mamlukah (Mulk)	Matrukah	Mawqufa (Waqf)	Miri Tapu	Miri Lazmah	Miri Sirf	Total
Baghdad	7,906,800	69,620	6,588	81,360	319,171	1,037,157	3,324,500	4,838,398
Kut	6,208,325	66	—	203	618,974	1,595,466	2,535,439	4,750,149
Kerbela	2,447,600	11	—	2,319	84,652	19,488	23,958	130,429
Basra	4,908,400	63,067	—	15,181	84,576	3,041	61,608	227,473
Amara	7,496,800	—	—	22	7,991	47,043	1,914,865	1,969,921
Diwaniya	5,981,600	28	92	—	187,791	840,588	307,405	1,335,905
Dulaim	18,428,400	6,669	—	13,840	123,181	432,201	3,579,990	4,155,882
Erbil	7,217,200	10	—	645	786,739	817,853	302,540	1,907,787
Suleimaniya	3,805,600	16	—	190	355,373	2,705	51,793	411,076
Mosul	20,129,200	56	913	170,914	2,979,610	1,099,525	7,775,652	12,026,669
Kirkuk	8,132,400	200	1,615	109,878	1,372,423	310,935	991,127	2,786,179
Hilla	2,100,000	3,489	37	27,976	573,148	758,091	262,092	1,624,834
Diyala	6,438,000	7,369	50	126,670	876,964	407,637	605,193	2,023,874
Muntafiq	5,832,400	—	—	—	—	—	—	—
Total	107,032,725	150,601	9,296	549,198	8,370,595	7,371,720	21,737,165	38,178,575

7: International Bank N. S-4 (1951) 1952 MHI Iraq MHI

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TABLE I-B

Land Classified According to Types of Tenure by Cadastral Survey up to February 8, 1951

UNCULTIVABLE LAND

(In donums)

Province	Total Area of Province	Area Classified						
		Mamlukah (Mulk)	Matrukah	Mawqufa (Waqf)	Miri Tapu	Miri Lazmah	Miri Sirf	Total
Baghdad	7,906,800	14,951	108,756	9,010	41,592	71,131	349,126	594,567
Kut	6,208,325	20	54,148	192	127,504	152,311	1,124,000	1,458,176
Kerbela	2,447,600	96	3,872	160	26,391	1,637	868,073	900,229
Basra	4,908,400	4,447	21,372	441	6,613	113	748,587	781,575
Amara	7,496,800	258	9,271	57	202	7,595	836,648	854,032
Diwaniya	5,981,600	8	23,924	2	31,578	98,093	75,474	229,081
Dulaim	18,428,400	435	81,074	550	7,490	26,693	4,320,580	4,436,823
Erbil	7,217,200	517	202,888	813	9,326	5,970	162,132	381,646
Suleimaniya	3,805,600	15	117,982	2	1,250	—	12,873	132,113
Mosul	20,129,200	116	354,692	4,442	213,207	4,274	324,210	900,942
Kirkuk	8,132,400	135	621,893	2,503	42,381	632	160,035	827,570
Hilla	2,100,000	182	37,821	3,158	65,532	65,442	192,575	364,711
Diyala	6,438,000	1,186	49,218	15,206	125,927	51,408	164,050	406,996
Muntafiq	5,832,400	—	—	—	—	—	—	—
Total	107,032,725	22,366	1,686,912	36,538	698,897	485,291	9,338,365	12,268,459

TABLE I-C

Land Classified According to Types of Tenure by Cadastral Survey up to February 8, 1951

TOTAL, CULTIVABLE AND UNCULTIVABLE LAND

(in donums)

Province	Total Area of Province	Area Classified						
		Mamlukah (Mulk)	Matrukah	Mawqufa (Waqf)	Miri Tapu	Miri Lazmah	Miri Sirf	Grand Total
Baghdad	7,906,800	84,571	115,344	90,370	360,763	1,108,288	3,673,626	5,432,965
Kut	6,208,325	86	54,148	395	746,478	1,747,771	3,659,439	6,208,325
Kerbela	2,447,600	107	3,872	2,479	111,043	21,125	891,931	1,030,658
Basra	4,908,400	67,514	21,372	15,622	91,289	3,154	810,195	1,009,048
Amara	7,496,800	258	9,271	79	8,193	54,638	2,751,513	2,823,953
Diwaniya	5,981,600	36	24,016	2	219,369	938,681	382,879	1,564,986
Dulaim	18,428,400	7,104	81,074	14,390	130,671	458,894	7,900,570	8,592,705
Erbil	7,217,200	527	202,888	1,458	796,065	823,823	464,672	2,289,433
Suleimaniya	3,805,600	31	117,982	192	356,623	2,705	64,666	543,189
Mosul	20,129,200	172	355,605	175,356	3,192,817	1,103,799	8,099,862	12,927,611
Kirkuk	8,132,400	335	623,508	112,381	1,414,804	311,567	1,115,162	3,613,749
Hilla	2,100,000	3,671	37,858	31,134	638,680	823,532	454,667	1,989,545
Diyala	6,438,000	8,555	49,268	141,876	2,136,892	459,045	769,243	2,430,870
Muntafiq	5,832,400	—	—	—	—	—	—	—
Total	107,032,725	172,967	1,696,208	585,736	9,069,582	7,857,011	31,075,530	50,447,034

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7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

along the banks of main and secondary canals although roads greatly facilitate inspection and maintenance. The facing of the canals adjoining the control structures is often too short for effective protection of both the canals and the control works. The turbulent water coming up against the earthen embankments may then undermine the embankments or even the control structures themselves. Brick, which lacks adequate resistance to shock and erosion, has sometimes been used as a construction material where concrete or precast concrete blocks would have been definitely preferable. In the future, it might also be desirable to try gabions of iron-wire net, weighted with stones and coarse gravel, in facing canals. These have given excellent and cheap protection against erosion in some countries.

Maintenance is also made more costly by failure to provide originally enough canal crossings for livestock and people, as well as places for washing and drinking. Under such conditions canal banks inevitably deteriorate with resulting leaks and the creation of pools of stagnant water. Crossings, which for the most part can be very simple in construction, should be installed near the villages and at points frequented by cattle. Paved fords will generally be best for cattle since they will provide facilities for drinking at the same time. There is also a need to regulate road crossings of small canals and ditches. Such crossings, which are built by the landowners, are often too short and constructed so poorly that considerable water escapes and the approaches to the crossings are reduced to quagmires.

The operation of the irrigation systems, involving the delivery of water to the actual users, could be considerably improved. Fair distribution is undoubtedly made difficult by chronic shortages of water. Whenever water is short, its distribution tends to be hotly disputed. Under such circumstances the influential landowner is often successful in bringing pressure to bear on the poorly-paid irrigation official who is in charge of distribution. Sometimes landowners resort to more direct action by building temporary dams across canals in order to divert more water to their land. Equitable distribution is also impeded by old water rights which are attached to individual land parcels, particularly in the Diyala River Valley, and are transferred with such property. They often confer a right

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312 423 to use a quantity of water out of proportion to the amount of land to be irrigated; and in times of water scarcity they must be taken into account in rationing the available supply even though an objective appraisal of relative requirements might produce quite a different distribution.

312 A larger supply of water would, of course, minimize the difficulties of distribution set forth above, but in the long run it is also vitally important that economies be effected in the amount of water used. The provision of drainage facilities and the installation of an adequate amount of regulators on canals will certainly bring about substantial economies of this character. The cultivators in Iraq, however, have for many years been accustomed to use water rather lavishly; only demonstration will convince them that they 912 651 can safely manage with a smaller supply. It has already been pointed out that the irrigation duty is very low compared to that in many other countries. For flow-irrigated lands it is about 16,950 masharas gross (equivalent to 7,200 masharas in crops); for land irrigated by pumps from canals, 19,500; and for that irrigated by pumps from rivers, 26,200. Pump-irrigated lands have a somewhat higher duty because they are generally better drained and therefore less salted and because the cost of pumping encourages economy in the use of water. As far as the Mission is aware, the problem of 312 raising the irrigation duty has not been systematically studied. The Mission recommends strongly that fields be set aside in each irrigation system for the purpose of determining through practical experimentation over a number of years the optimum quantity of water to be supplied to each crop. Such experiments should be carried out under the joint direction of the Agriculture and Irrigation Departments.

In the future it would be desirable to associate the landholders in each irrigation area as far as possible with the operation and maintenance of the irrigation system. Irrigation should be a truly [476] cooperative venture. The Mission understands that councils of landowners already exist in some districts, notably along the Diyala, to assist irrigation officials in the distribution of water at times of shortage. Such councils might well be organized in all districts and with the broader function of advising on all problems of maintenance and distribution. They could sponsor the experi-

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ments in the best use of water mentioned earlier and could assist in disseminating the findings. They would be an important means of developing the concept of common responsibility for the efficient operation and upkeep of irrigation systems and might ultimately serve also to disseminate information on agriculture.

The legal situation with respect to water rights and the construction, maintenance and operation of irrigation and flood-control works is defined by Articles 1234 to 1238 of the Mejelle, or Ottoman Civil Code, and Law No. 23 of 1923 and its successive amendments. Repeated changes in this legislation have made it difficult to determine the validity of certain provisions. It would be desirable to codify and clarify the legislation and, in the course of such a review, to eliminate some of its defects. It would be advisable, for instance, to ensure a right of passage for canals across the property of third parties with compensation fixed by the Irrigation Department in accordance with defined criteria. At present such a right of passage is recognized but with the proviso that the interested party must buy or lease the necessary land, which, in practice, may lead to extortionate terms. There is also a need for a review of old water rights. While presumably such rights cannot be abolished, the right to use water might well be brought into closer accord with the amount of land to be irrigated.

The law makes the Directorate General for Irrigation in the Ministry of Communications and Public Works responsible for the construction, operation and maintenance of the irrigation and flood-control schemes. In 1949 the irrigation services had a staff of 1,330 persons, classified approximately as follows:

Engineers	26
Assistant engineers	20
Overseers	94
Office personnel	250
Bund personnel	820
Specialists	120

On the whole, there is an insufficient number of competent, experienced engineers; and pay scales are inadequate to retain able men in a service which often entails considerable hardship. The staff in the provinces is generally not large enough to cope with technical problems along with the many administrative questions

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timber, at least 5,000 square kilometers in the valleys of the main rivers in the north ought to be afforested by means of irrigated plantations of quick-growing species such as poplar, eucalyptus, tamarisk, ash, plane and shisham. Such forests should be able to furnish timber in growing amounts in 15 to 20 years.

It will be at least equally important, however, to plant trees in irrigated plains of central and southern Iraq. The ultimate goal should be to devote at least 10 percent of the irrigated areas to forestry in the form of farmers' woodlots, plantings along roads and canals, windbreaks and shelter belts. In the new settlement areas farmers might well be required to plant a specified area in trees. Measures such as these will make timber available in the immediate vicinity where it is sorely needed.

The Development Board has recognized the need for some additional expenditure on forestry by tentatively setting aside ID 250,000 for this purpose in its five-year program. It is urged that this amount be raised to a total of ID 750,000 over the next five years. More could probably not be spent in this period because staffing and organization will take time and attention. In the ensuing five-year period, however, the amount might well be doubled.

XIII. Settlement of New Land

In the future much of the increase in agricultural production will inevitably come from the settlement of new land. Iraq is one of the few Middle Eastern countries which have large reserves of cultivable land. While the official estimates, which indicate that the area under cultivation can be almost tripled, may be questioned, there is no doubt that there are vast areas both in the rain-fed zone and in the irrigation zone which can be put to the plow. When water from the Habbaniya and Dokan reservoirs becomes available, for example, it will be possible to extend the area under cultivation from about 11 to 15 million donums; and if the Bekhme dam is built, still additional areas can be irrigated.

The way in which these new lands are settled and developed will in many respects be critical for the future of Iraq. If reserved

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423 for settlement by small-holders, they will make a significant contribution to the social and political stability of Iraq. They may make any strong demand for radical land reform unlikely in the areas now already under cultivation. If developed with the enlightened guidance of the government, the new settlements may ultimately furnish striking demonstrations of the value of more advanced techniques in agriculture and animal husbandry as well as in social organization.

654 423 Under a law approved by the Parliament in 1951 land recognized as government-owned *(miri sirf)* in the cadastral survey will apparently be reserved in the main for settlement by small-holders. However, land which can only be irrigated by high-lift pumps can still be granted in tracts up to 5,000 donums to individual holders. Projects for the development of *miri sirf* land are to be drawn up and carried out by the Development Board. Selection of the settlers and administration of the finished projects will be the responsibility of a committee headed by an official with the status of a Director General. Two or three other members will be appointed by the Council of Ministers. The area of each project will be a minimum of 2,000 donums in mountainous lands, 20,000 donums in flow-irrigated lands and 80,000 donums in the rain-fed region. Each settler will be assigned up to 20 donums in the mountainous areas, 100 donums in flow-irrigated areas, 200 donums in pump-irrigated and 400 donums in rain-fed lands.

Under the law every settler must agree to refrain from granting his rights in the land to others and from injuring his fellow settlers in any way, to follow the committee's instructions with respect to the cultivation of the land and the planting of a garden, and to build a house in accordance with plans prepared by the [425] committee. If he fulfills this agreement, he receives title to his allotment after 10 years without payment. For a further period of 10 years he has no right to alienate it or mortgage it except to the Agricultural Bank.

The law does not confine the distribution of land to qualified and experienced farmers. In fact, it specifies that up to 20 percent of the land in each project shall be distributed to retired army and police officers, soldiers and policemen who have served at least four years, and graduates of agricultural schools, provided the

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committee is convinced of "their agricultural capabilities". Under the same condition the committee is also to distribute up to 25 percent of the land to retired civil servants who have served at least eight years and to unemployed graduates of elementary, secondary and religious schools.

While the general intent of this law will meet with general endorsement, several of its provisions might well be reconsidered. First of all, it appears doubtful that the inclusion of the beneficiaries described in the preceding paragraph will advance the basic purpose of the law—namely, to establish a class of independent small farmers who till their own land. Most of these types of beneficiaries will have neither the ability nor the inclination to do the actual farming themselves. They will bring in others to do their work and may even become absentee landlords. Under such circumstances the evils of "petty landlordism" will tend to creep in.

Secondly, the size of the plots to be assigned to each settler seems in some cases to be too large. Fundamentally the allotment should not be bigger than that which can be managed by the average farm family without outside assistance. The size will, of course, depend on the machinery, tools and draft animals which can be placed at the settler's disposal from the very beginning. It is improbable, however, that a single family will be able to handle more than 100 donums. If a larger allotment is necessary in the rain-fed zone in view of the uncertain yields resulting from irregular rainfall, a special effort may have to be made to organize cooperatives to own and operate the machinery needed to till such units. The proposed assignment of 200 donums in pump-irrigated areas is presumably based on the assumption that some private person will provide the needed pumps against a substantial share in the crop, thus requiring each farmer to have a larger plot of land for a decent livelihood. Now that the government is likely to have ample financial means, there would seem to be no reason why it cannot either install and operate the pumping facilities itself for a nominal charge or finance the cooperative ownership and operation of such pumps.

Thirdly, the provision enabling settlers to acquire land without any payment whatsoever is open to question. In principle it is inequitable that no payment should be required for these exten-

7: International Bank N. S-4 (1951) 1952 MH1 Iraq MH1

654 423 sive benefits, particularly in relationship to those who are not fortunate enough to be selected as beneficiaries. Moreover, the value of the benefits conferred may be all the more appreciated if some charge, which need not be burdensome, is made for them.

Fourthly, it may be desirable to reconsider the provision exempting the areas irrigated by high-lift pumps from distribution in accordance with the law. Apparently this provision was also dictated by the belief that the requisite pumping facilities would need to be provided by private investment and that such investment was unlikely to be forthcoming unless a comparatively large grant of land was made for development by high-lift pumping. In the future, however, public capital should be made available for the installation of such pumping facilities.

Finally, the safeguards against alienation of the land may need further strengthening. After the two consecutive periods of 10 years each, during which these safeguards would apply, it may still be desirable for the government to retain an option to purchase any of such land offered for sale. In this way it would be possible to prevent, if necessary, the gradual acquisition of excessively large landholdings in these newly developed areas.

A brief comment might be made regarding the settlement possibilities in the rain-fed zone. Much of the land available for such settlement may be submarginal from the standpoint of rainfall. Care must be taken, therefore, not to invest too much in the development of the lands the yield of which will be highly speculative. It is noted that the Department of Agriculture has drawn up an ambitious scheme involving the settlement of 1,000,000 donums and the establishment of 50 villages in northwestern Mosul near Balad Sinjar. There are indications, however, that the rainfall in this region may be insufficient to permit settlers to earn a good livelihood. If attempts are made to carry out this scheme, it is suggested that small-scale tests first be undertaken over a number of years.

654 423 241 166 The law for the development of *miri sirf* lands which has been discussed at length above is basically modelled on the 1945 act under which the Dujaila settlement was established in south-central Iraq near Kut. During the period 1946 to 1950, 1,058 farmers were settled in this area on 100 donum plots allotted from

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state-owned agricultural land. The system of cultivation is prescribed. Thus 40 donums must be devoted to winter wheat and barley and five donums to summer crops. In addition five donums are to be planted with fruit, although evidently only 350 of the older settlers have such gardens in which grapes, greengage, apricots and date palms have been planted.

On the whole, the Dujaila scheme has been conspicuously successful. There is no doubt that the settlers who formerly were poor sharecroppers are now far more prosperous and contented. Most of them are obviously proud of their accomplishments. Their mud houses, although not built according to standard specifications as originally planned, are larger and more substantial than those of other fellahin. As already indicated, interesting experiments with cooperative organization have been carried out. In addition a useful start has been made with the planting of trees along roads and boundary lines.

The Dujaila venture has not, however, been an unqualified success. The failure to install drainage facilities has led to progressive salination and already some of the land has been abandoned. The administrative staff on the spot totals 75 people. Even after allowing for the fact that the staff also controls the distribution of water within the scheme and the operation of two nurseries, this number seems excessive. Aside from insisting that five donums be planted to fruit trees, nothing has been done to improve agricultural and livestock practices. Thus the increased prosperity of the farmers is solely due to the fact that they have more land to till and do not have to surrender a share of their crops to a landlord. There is no agricultural extension service on the spot capable of working with the farmers. In fact, the Department of Agriculture is not even represented on the committee which directs the scheme. Two nurseries are located in the scheme, but they serve simply to supply fruit trees for garden plots and other trees and cannot in any sense be considered demonstration units. It is generally agreed also that the scattered mode of settling the people was ill-advised, since it ignored the need for a community life and made it difficult to provide such community facilities as safe water, schools and health centers.

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654 $23 On the new settlements the government will have a unique opportunity to improve on the Dujaila project. To ensure that it becomes a model project, the planning of each settlement should be carried out in close cooperation with the Ministry of Social Affairs, the Ministry of Public Works, the Ministry of Education and the Ministry charged with agriculture. There must be an integrated plan with appropriate provision for public health, schools and adult education, agricultural extension, cooperatives and the like.

000 XIV. Establishment of a Ministry of Agriculture and Land Use

The program outlined in this monograph does not involve large expenditures. Detailed estimates of the cost involved will need to be worked out, but it is unlikely that total expenditures over the next five years will be far from ID 7,500,000. The largest outlays—ID 2,900,000 and ID 1,450,000 respectively—would probably be for grain storage facilities and additional capital for the Agricultural Bank. Not much more than ID 250,000 may be needed for new tobacco warehouses. The continuing contribution to the Agricultural Machinery Administration has been assessed at ID 250,000, but more money would be required if plans to borrow from the International Bank for new equipment do not materialize. On forestry, probably not more than ID 750,000 could be spent in the initial five-year period. An arbitrary allowance of ID 500,000 might be made for financial incentives. The remainder of the total outlay would, however, really be the most important, for it would go, except for some miscellaneous projects, to expand and strengthen the agricultural and animal husbandry services which are vital to the future of Iraq.

The improvement of agriculture, animal husbandry, and forestry along the lines indicated requires an energetic organizational effort by an agency well staffed and vigorously directed. Within the existing governmental organization in Iraq, agriculture and animal husbandry are not given sufficient importance. These subjects should not be handled by subordinate departments in the Ministry of Economics but by a separate Ministry of Agriculture and Land Use.

7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

II. Rural Communities

About one third of the people live in towns and cities; of the remainder, a small proportion are nomads and the bulk live in villages. In terms of population, therefore, the villages are the more predominant type of community. Although the distinction between a village and a small municipality is, as already noted, somewhat arbitrary, even the smallest municipalities are centers of local administration and have certain facilities of a higher standard than the villages. The distinction will, in any event, serve for present purposes.

Virtually all the rural population live in villages, isolated dwellings being very rare. Landowners, in fact, frequently count their fellahin by villages. Except for the extreme northwest, where there are seminomadic pastoral tribes who live in settled communities for only part of the year, the inhabitants of the villages are mainly cultivators. A few members of the community may have other occupations such as the tending of sheep and goats, the keeping of small shops and coffee houses or the building and repairing of huts. There are, also, villages where a considerable number of the people are engaged in handicrafts (e.g. weaving) but these are rare.

In the North, stone is generally available and is the commonest material for buildings, while in the South and the Center, mud is the usual material. The mud plaster of walls is reinforced with straw or cow dung to minimize the washing of clay in the mortar when it rains and to prevent temperature cracks. Where the climate is drier and palm leaves or reeds are available, especially in the marshes and palm belt of the South, these materials are more extensively used.

Another feature which distinguishes the North from the rest of the country is the greater permanence of the villages. The main reason is probably that there is a much older tradition of settled cultivation than exists in the recently irrigated areas. Not only are there more small-holders, who would naturally have a close association with their land, but the fellahin also appear to have A GREATER SECURITY OF TENURE.

3:Royal Institute of International Affairs U-4 (no date)1954 M1 Middle East
Iraq MH1

Tigris, completed in 1939; both of these control the flow of water and serve extensive irrigation schemes. In 1952 8 million acres of land were under irrigation—five times the area in 1918; in 1949–50 3,600 pumps were in use as against 143 in 1921. Two more major projects are in process of execution: the first on the Euphrates, for which the Habbaniya Flood Relief and Storage Scheme has just been completed, and a barrage across the river at Ramadi is awaiting construction; the second for the Tigris, whose waters will be drawn off into the Wadi Tharthar as a means of flood prevention. Cultivation will be increased by dams at Darband-i-Khan, Bakhma on the Diala, Dukhan on the Lesser Zab, and possibly at Bakhma on the Greater Zab, the first also serving for flood control. Schemes of lesser construction and extension are also being planned and executed for southern Iraq. In all, the Development Board has allocated nearly 53½ million dinars for projects of irrigation and flood control during the years 1951–6, of which 4 million dinars are devoted to drainage.

Land Tenure and Conditions of Cultivation

The system of land tenure and the conditions of cultivation are responsible for a further major problem in Iraqi agriculture. There is very little peasant proprietorship. Much of the land is held on various terms by Arab tribal shaikhs and Kurdish aghas (barons) or by wealthy townsmen, who divide their land in small plots among sharecroppers, to cultivate under the supervision of their agents for a return which may be as little as 30 per cent of the yield. Of the area covered by cadastral survey, 67 per cent is held in holdings of over 1,000 dunams and 24 per cent in holdings of over 10,000 dunams. Agriculture remains, on the whole, primitive and wasteful in tools and technique because of the lack of interest, on the part of the landowners, in organization and development and because of the ignorance, poverty, and lack of security or incentive—since the landlord secures the advantages of all improvements—of the cultivators. This backwardness is illustrated by the generally low yields. The disadvantages of feudal and absentee land ownership have been perpetuated by the land settlement of the last fifteen years, which, by tending to confirm the existing procedure, has made reform more difficult of fulfilment. The establishment of large farms worked directly by their owners with modern machinery is usually prevented by the almost total absence of a class of farm labourer working for cash wages. The expansion of the cultivated area, particularly in south Iraq, is hampered by the sparseness of population. Labour is specially scarce at harvest

3:Royal Institute of International Affairs U-4 (no date)1954 M1 Middle East
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423 time, which, prolonged by primitive methods, may interfere
433 with or even prevent autumn tillage and sowings. Because of
185 the low density of population, an improvement in the water-
464 supply of a given area in the irrigated zone usually causes a
166 shift of population from less favoured areas, which consequently go out of cultivation. This tendency is greatly increased by the unstable nature of the rural population, a great part of which have settled to cultivation within the last century and have no lengthy attachment to their locality. Political circles are alive to the need for reform, and recently an attempt has been made to establish small-holders on lands newly introduced to irrigation (for example, on the Abu Ghuraid and Dujaila canals), and to establish co-operative organization. In 1951 a law was passed for the distribution of state land in parcels of varying size to selected settlers, up to 20 per cent of each area to be allocated to graduates of agricultural schools and former members of the police and army, and up to 25 per cent to civil pensioners and unemployed school graduates. An Agri-
[452] cultural and Industrial Bank, formed by the Government in 1936, contributes to the welfare of small landowners by providing cheap credits, though its resources are inadequate for the need.

Livestock

231 Raising livestock is of major importance both in the internal
439 economy of the country, by providing food, transport and traction, and raw material for essential manufactures, and also in foreign trade. In the period 1948–50 livestock and their products—wool, hides and skins, intestines (casings)—accounted for about 13 per cent of Iraq's total exports excluding oil.

232 Most of the rural and much of the urban population depends
654 to some extent on animal husbandry for a living, but methods
185 have hitherto been mostly primitive and unsystematic, being semi-nomadic and divorced from crop-raising, with little attempt on the part of the owners to supplement natural feeding except in winter, or to improve the breed or combat disease. Quality and productivity are consequently low. The Government Department of Animal Husbandry, however, is experimenting to improve the breed of cattle, sheep, and mules and the Government controls the importation of animals to safeguard the native stock from diseases from which it is at present free, such as rinderpest and contagious pleuro-pneumonia. By irrigation, water conservation, and control of pasturage a more permanently settled system could be evolved, integrated more closely with the production of crops.

5: Harrison D-4 (1913-1924) 1924 M1 Middle East
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511 fited the Bahrein pearl diver; it has produced richer merchants in that district. In the same way the land-owners of Mesopotamia are past all comparison richer than the land-owners of the oases in Arabia but the actual cultivators of the soil are far worse off. Improved conditions and an increased return on each man's work have not benefited them at all.

• 423 Their condition is pitiful. The gardens are owned by
427 men who live far away in distance and farther away still
511 in sympathy. The Sheikh of Kuwait owns large gardens in this district; indeed his principal wealth is reputed to be invested there. The same is true of Sheikh Khazal of Mohammerah, the Persian governor for southern Arabistan. Many of the gardens are owned by rich men who live in Basra and Baghdad. Their affairs are administered by a local agent, whose sole interest lies in driving as hard a bargain as possible with the unfortunate cultivator. If an unfavorable year comes, there is no easily available judge or ruler to modify the contract as in Arabia. As a result the gardeners are bitterly oppressed. Men are practically forced into bankruptcy in order to live up to oppressive contracts during a hard year. Competition is keen, and in these large communities where the gardens stretch for scores of miles and where it is not easy to turn to other occupations, where above all there is no public sentiment to appeal to and no ruler with Arab ideas of justice to frown upon the rich oppressor, it is possible to push the gardener down very close to the limit of bare subsistence. His clothes are in tatters. His food is poor. His house is wretched. Above all he is a discouraged and hard-pressed individual with a hopeless and despairing outlook on life.

1 [Date gardeners -- Analyst]

5: Harrison D-4 (1912-1924) 1924 M1 Middle East
Iraq MH1

[Marsh Arabs]

501 erable skill to navigate. They are capable of great speed and are driven either by a sail or by oars as the occasion requires. To a stranger they seem very unstable, but the Marsh Arab, who has practically lived in them ever since he was a baby, finds them abundantly stable and perfectly safe.

342 From a distance the houses occupied by these people are very picturesque. The reeds that grow in great abundance in the marshes of Lower Mesopotamia are gathered and when dry are tied in great bundles perhaps two feet in diameter. They are ten to fifteen feet tall or even more, and two bundles tied together at the tops are bent over to form an arch. Each of these arches forms one of the ribs of the house. They are placed every four to six feet, giving an air of solidity and dignity to the structure that is most unusual for this sort of simple architecture. Over these ribs a mat roof is constructed which is surprisingly tight even in the heaviest rains. The houses vary in size, and the largest ones, which serve as guest halls for the sheikhs and the rich, may be seventy-five feet long and twenty feet broad.

• 423 621 This agricultural district is peculiar in that while it has a settled community engaged in agricultural pursuits, there is no private ownership of land. The Marsh Arabs form a group almost untouched by Europeans. In the one district we visited all land is owned by the government, in this case a sheikh far removed from the district. 427 651] The only tax that he levies is a moderate rental for the land. Apparently there is little difficulty in getting land; 425 at least no one complained of any trouble of that sort, nor does there seem to be any difficulty in keeping the same plot of land indefinitely if the cultivator wishes to do so.

000 The local governor is an efficient and more or less benevo-

15: Tannous N.G-5 (no date) 1951 M1 Middle East M1
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Unlike Egypt, Iraq is a sparsely populated country relative to its land resource. Yet we find there the same conditions of landlessness, and low levels of living among the peasant folk. More serious still, we find in that country a great agricultural potential which is threatened by the prevailing destructive system of land tenure.

This fertile land of the ancient Tigris and Euphrates rivers has a total potentially cultivable area (mostly by means of expanded irrigation) of some 25 million acres. The present area that is under cultivation each year, however, is less than 6 million acres. There is no doubt that capital and technical aid from the West will make it possible for Iraq to realize this tremendous potential. The serious question, however, is whether development will be attempted on the present shaky foundations of feudalism, absentee ownership, and sharecropping, or on the sounder and more stable foundations of a thriving rural community that is emancipated through its ownership or control of the land. The answer, one way or the other, will be of grave consequence to the future of Iraq.

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The following is a brief summary of the situation as it now exists. Less than 0.5 percent of the land is owned privately in fee simple. About 36 percent is state domain which has been leased out more or less permanently to individuals. Over 58 percent is held directly and fully by the state, and is leased out on a yearly basis. These figures indicate clearly that the fate of the land resource has not yet been fully decided as in the case of Egypt. The major portion of it is still in the hands of the state, which could dispose of it either in favor of the landless cultivator and tribesmen, or in favor of the absentee owner and the tribal chief.

The land that is now under cultivation (whether privately owned or leased from the state) is predominantly in the hands or under the control of the semi-feudal tribal chief and the large owner from the city. In either case, absenteeism prevails. The peasants, consisting of village folk and semi-settled tribal people, are in the majority of cases landless sharecroppers. They raise crops and receive a share ranging from 20 to 50 percent of the produce, depending upon whether they supply the seed, the

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equipment, and the livestock. In reality the cultivator's share amounts to less than that, for he has to make certain contributions to local functionaries and to the agent of the landlord.

There is also clear evidence that unless the system is checked effectively at its roots, it will continue to perpetuate itself. Witness what has happened during the last 50 years or so. Irrigation has been expanded materially, mainly through pump installations, and total agricultural output has been increased tremendously; but the peasant has remained landless and impoverished. In general, he does not possess the ability or initiative to prove his legal claim to the newly developed land. In many cases, even when his right of ownership is recognized, the cultivator is not able financially to maintain the costly pump installation. He is obliged to work on a share basis with one who is able to supply the necessary capital and equipment, be he the chief or the merchant. Gradually, these become the owners of the land, and the original occupant becomes permanently a landless sharecropper. Through this process the virile and integrated tribal community of Iraq is being transformed into a demoralized agricultural settlement, under the control of an absentee landowner chief.

Syria affords another illustration of the magnitude of the problem. We witness here practically identical conditions of absentee ownership, sharecropping, and low levels of living among the peasants. The manner in which this system threatens the future of agricultural development in Syria is clearly indicated by recent happenings in the Jezira area. This has tremendous possibilities for irrigation and for dry farming. It is sparsely populated, and until recently has been utilized mainly for grazing by nomadic and semi-nomadic tribes. During the last few years cultivation has been expanded rapidly in the area. Modern machinery has been put on the land in large numbers, and bumper grain crops have been harvested.

On the surface, this appears to be the beginning of sound development. Upon closer examination, however, we encounter a different reality. The tractor has been put on that fertile soil mostly by speculators and absentee owners. Concern about the ultimate exhaustion of this great national resource is not upper-

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distributed reclaimed state domain among the peasants. During the past few years the Ministry of Social Affairs, under energetic and progressive leadership, has been increasingly and effectively sponsoring the cause of the peasant. Among other things, it has proposed draft laws aimed at land reform and at improved tenancy terms. In July 1950, the Egyptian Parliament passed one of these bills, stipulating that estate owners should provide tenants with certain housing and health facilities, and with other services. During the last two years certain deputies have proposed two definite draft laws for land reform in Parliament. Similar proposals have been made by other responsible leaders. All of them aim straight at the heart of the problem — stipulating the distribution of state domain among peasants, the restriction of the size of holdings within minimum and maximum limits, the extension of credit to the new small owner, the protection of peasant property, the improvement of tenancy terms, etc.

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A similar consciousness of the magnitude of the problem and the grave consequences it might entail has arisen in Iraq. As far back as 1932 a comprehensive program of land survey and registration was initiated and has been in operation since. At the end of 1947 about 20 million acres (close to 20 percent of the total area of the country) were surveyed and classified. This program constitutes a basic move in the right direction, as it results in clearing the great confusion over title claims.

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In 1945 the Iraqi Parliament passed a bill (Law No. 23) authorizing the Government to distribute state domain among landless peasants or tribesmen on the basis of small private ownership. It was a small beginning as the application of the law was restricted to one specific area, the Dujaylah lands, in the Kut Liwa south of Baghdad. Some 180,000 acres were put under irrigation and divided into plots of about 60 acres each for distribution to farming families. After a probationary period of 10 years under government supervision, the farmer can acquire complete ownership of the land. At the beginning of 1947 about 400 cultivators were settled on the project land. Possibly an equal number has been settled since that time. In 1946 another project, the Hawijah Settlement Scheme, was finished. It involved the distribution of some 200,000 acres of irrigated state land among members of the 'Ubayd tribe.

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which now amounts to one million acres. More might be added by water storage schemes. At present several large new schemes are under consideration. These involve flood control by the construction of the Bekhme dam on the Great Zab, and an extension of the Habbaniya reservoir. In addition to the Bekhme dam a scheme for flood irrigation in the Wadi Tharthar is being considered. A survey commission is now preparing a report on these developments, but so far no estimates have been made of the area of land likely to be brought into cultivation.

At present there is no shortage of labour. The population is small in relation to the area cropped, but it is growing rapidly. In 1931, according to Dowson, the total population was 2,824,000, of which 2,246,000 were estimated to be rural, including 895,000 settled population and 1,351,000 still living in tribal conditions.[1] Estimates for 1943 put the total population at 4,500,000, of which the rural population was 3,500,000. Some regions, Basra, Karbala, Dulaim, and Muntafiq are densely settled, while others, chiefly in the north, Mosul, Erbil, Kirkuk, are settled very sparsely. The area of cropped land per head is 2 acres, and the area of cultivated land perhaps as much as 4 acres.

LAND TENURE

It is clear that Iraq has greater prospects of agricultural expansion than any other Middle East country. But to the development of these potentialities the greatest obstacle is land tenure. Sir Ernest Dowson, in his classical report on the subject, says: 'The injurious effect of the existing welter of uncertainty and dispute upon both the agricultural prosperity of the country and public order, can hardly be exaggerated. Every one directly or indirectly concerned with agriculture in el 'Iraq must know many individual cases in which the development and use of the land has been gravely obstructed by the widespread insecurity and confusion of rights. Indeed the most diligent inquiry would be unlikely to reveal anywhere any appreciable number of holdings, large or small, held in undisputed possession and free from hampering and conflicting claims. It needs no great effort of the imagination to appreciate the blighting effect of these unhappy conditions prevailing throughout the country, upon the

[1] Sir Ernest Dowson, *An Inquiry into Land Tenure and Related Questions* (Letchworth Garden City Press for the Iraqi Government, 1932), p. 12.

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prosperity of the main national industry and the welfare and contentment of the people as a whole.'[1]

There are different varieties of tenure in the two zones, determined by the different conditions of agriculture. In the north, the forms of tenure are similar to those of Syria, with a class of small proprietors taking some, but not all, of the land. In the south large owners or sheikhs own virtually all of the land, letting it to share-tenants, through a series of intermediary lessees, minor sheikhs, sirkals (formerly sub-sheikhs), or town notables. At the bottom of this many-storied building the fellah cultivates the land under a burden of debt. This peculiar form has originated from the disintegration of the tribal system; the sheikhs have profited by the confusion of the law to secure individual ownership of land which by custom is the property of the tribe.

The Breakdown of the Tribal System. In the irrigation zone, the practice of shifting cultivation was accompanied until very recently by an equally unstable form of landownership. The basis of the ownership is the tribal *dirah*, a large area not limited to land actually tilled but including also non-cultivated land and submerged marsh land, over which a tribe exercises a customary right of occupation. These areas are considered to be the property of the whole tribe, and until recently were so in fact.

The tribal system existed generally until some forty years ago, and still prevails in parts of the country.[2] Under this system, the usual procedure was to set aside a part of the cultivated area, a third or even a half, to provide revenue for the sheikh to discharge his political duties, which then included the maintenance of a tribal militia, the provision of hospitals, and keeping the *mudhif* (the coffee shop and civic and social centre of the tribe). This revenue accrued to the office of the sheikh, and not to his person. The rest of the land was sometimes distributed among the families of the tribe, according to the numbers of fighters who had helped to seize the land from another tribe, or according to the amount of land reclaimed: more often, however, the land was cultivated in small groups, the tribal sub-

[1] op. cit., p. 33.

[2] For a detailed account of the historical development of Iraq's land tenure system, see Salih Haider 'Land Problems of Iraq' (London University Ph.D. thesis, 1942).

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sections or clans, under the direction of the sirkal, the head of the clan, who organized the members of the tribe on a share-cropping basis, the peasants generally taking a half, two-fifths, or a third of the produce.

But even on these individual holdings communal ownership is manifested in several ways: for instance by the fact that sub-tribal chiefs can be shifted from their holdings by the tribal chiefs; by the right of pre-emption and veto exercised by the tribe over transfer of land from one member to another, and especially to outsiders; the fact that women are excluded from inheriting land; the moral duty of employing members of the tribe in preference to outsiders; and in certain parts of the country, reallotment of the land on the *mushaa* system.[1]

The method of farming necessitates the existence of some measure of communal cultivation and ownership. Cultivation by irrigation involves many duties which cannot be performed by one household—the clearance of canals, the building of dams across channels, and the strengthening of the river banks; all these functions require tribal organization. Hence the head of the clan, the sirkal, was originally a manager on behalf of the tribe; he employed the peasants and divided the land among them into plots to support them until the harvest, appointed the dates of sowing, harvesting, and threshing, and organized irrigation and canal clearance.

Thus, although the tribe exercises a right of occupancy over the tribal *dirah* and can prove occupation of the whole area, it cannot be proved in the same sense that the peasant has a certain plot of his own occupied for a number of years. Within the tribal *dirah*, the area cultivated by each group shifts as canals silt up and the land is impoverished by salt, and so the area cultivated by each peasant shifts also. The peasants themselves are largely mobile, both within the tribal *dirah* and outside it; cultivation is rather half-hearted and grazing remains an alternative occupation.

It must be remembered that the tribal system, when it prevailed generally, had no legal basis, and no protection from the State; the tribe was, in fact, in itself a unit of political organization, and itself performed the State's functions. Within the

[1] From an unpublished report by Dr Salih Haider, on 'The Problem of the Land in Iraq' (1944).

423 tribal organization there was no clear definition of individual rights of ownership to the collectively-owned land. It was a 619 system which could exist as long as no one thought about it; as long, that is, as the tribe was accepted as the unit of political life, and as long as no individual claims were likely to be made. It is for this reason that it is impossible, once the tribal system has ceased to be the political unit, to settle land on a tribal basis; and yet to settle land on the basis of the supposed individual claims creates grave injustice, because in practice it means that too much land is allotted to the sheikhs and that the cultivators are reduced to the position of tenants or labourers.

439 Since the early years of the twentieth century the tribal system has been breaking up, and the economic development of the country in the twenty years between the wars has hastened its disintegration. When water transport came to the Persian Gulf towards the end of the nineteenth century, export markets opened for Iraq grain; the subsistence economy broke down and production for export began. Exports of grain increased from 65,000 tons in the early eighteen-nineties to 120,000 tons in 1909–13, and to 380,000 tons in 1934–9. The profitability of 556 export has given the tribal chiefs a motive for acquiring land as their personal property.

The tendency to acquire land for the sake of money income was much strengthened, in the twenty years between the two wars, by the rapid extension of pump irrigation and the accompanying increase in the cultivated area. Pump installations 312 have increased from 143 in 1921 to 3,000 in 1944, and provide 426 water for some 2½ million acres of land, or over half the cultivated land in the irrigated zone. The installation of a pumping system is comparatively cheap, costing some £2,000 before the recent war, but it is far beyond the means of the peasants, so that pumps have been installed by sheikhs, or more frequently by city notables, who make contracts to supply them to peasants at extortionate rates of interest, and so gradually acquire the land in payment of debt. In many cases the sub-chiefs, or sirkals, have become pump owners.

423 Thus in the regions of pump irrigation the tribal system has entirely ceased to function. The land is mainly the property of 427 the pump owners, with the cultivators taking a meagre share of the crop, varying from one-seventh to one-fourteenth or one-

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twenty-first part of the total. The position of the share-tenant in Iraq is much worse than that of his counterpart in Syria.

In the districts of flood irrigation the tribal system has disintegrated, but its superstructure, the sheikhs and sirkals, remains. Most of the political functions of the tribe have now been transferred to the State, and the only economic function now performed by the tribal authorities is the control of irrigation, digging of canals, and repairing of breaches, which is done by the cultivators under the direction of the sirkal who has become a kind of farm bailiff acting for the sheikh. Under this system the sheikh and sirkal take together up to 80 per cent of the crop, leaving the cultivator some 20–30 per cent.

This exploitation is possible because the sheikhs have succeeded in establishing, mainly during the last fifteen years, their title to absolute ownership of the tribal land by means of land settlement. Because in Ottoman times the cultivators had no legal title to the land which they occupied, the landlords were able, during the period of the mandate, to use their political power to secure legal title to land which was by custom and tradition the property of the tribe. In much the same way the English landlords of the eighteenth and nineteenth centuries enclosed land as their property which was traditionally common property, and ousted small holders whose title was based only on custom. As in nineteenth century England, the process is being hastened by mechanization, which gives the big landowners an advantage as against the small cultivator, and by inflation, which gives them the impetus to invest. The big landowners of Iraq are a comparatively recent creation, and it is the economic and legal changes of the past twenty years which have established their position.

Northern Iraq. In northern Iraq there is a different type of land tenure and fewer large landowners. South of Mosul, in the fertile Tigris Valley, where pumps have been installed, there is a tribal system resembling that of the south, and the land is owned mainly by tribal sheikhs and notables. West of Mosul, on the rolling uplands with poor rainfall, the land is also held on a tribal system. In this region in recent years there has been a rapid introduction of machinery; and the sheikhs are extending their power to acquire land. In future bigger imports of machinery will probably cause them to extend their influence

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over larger areas, much as the pump owners are doing on the Lower Tigris.

But in the north-eastern rain-fed zone, Kirkuk, Erbil, and Sulaimaniya, the position of the cultivator is better. There is a settled system of cultivation and a large part of the land is held by small proprietors. In the plain lands of Kirkuk and Erbil as much as 75 per cent of the land is held by small cultivators with holdings up to 200 dunums. Here the method of cultivation is much the same as in Syria, a *daim* (i.e. dry) crop being taken every two years.

Here too the legal position is different. In this part of the country, the provisions of the Ottoman Land Code remained in force, and most of the land was registered in Turkish times. Frequently the *agha* (or *mukhtar*), who was originally the patriarchal head of the village with the duty of maintaining order, has used his position to acquire land, and registered the land of the village under his own name. This has happened particularly often in the Kurd villages, where in spite of the Land Code's explicit prohibition of granting an entire village in the name of one person, the Turkish authorities, for the sake of peace, registered whole groups of villages in the names of the notables of Mosul, Erbil, Kirkuk, and Sulaimaniya.

But even though the landlords have obtained title to land, the share paid to them is much less than in the south, and amounts to only 10–20 per cent of the product.

Thus the problem of reforming tenure is here much less acute. As in Syria, peasant indebtedness is the major problem, but in the course of the recent war the high prices of grain have enabled the majority of the peasants to wipe off the burden of debt.

In the high mountain regions, however, particularly in the Zibar district, there is acute agricultural distress; a series of bad harvests due to plant disease, insect pests, and insecurity, has caused the agricultural economy to go steeply downhill in the past few years.

Settlement of Title. During the nineteenth century, the Ottoman Government attempted to settle title to land under the Land Code, as it did in the rest of the Turkish Empire. The Code was extended to Iraq under Midhat Pasha with the object of registering occupiers of land and thereby granting them

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the right of ownership. But owing to the practice of shifting cultivation, few of the cultivators of land in Iraq could prove ten years occupancy. The result was that land was registered as the property of tribal sheikhs, town notables, and Kurdish *aghas* over the heads of the peasants. The title deeds granted were always inaccurate, with the areas and boundaries indefinite.

The grants of *tapu* tenure led to conflict and even actual fighting between sheikhs and tribesmen, and to such confusion that general registration could not be completed. The Ottoman Government, which did not want to strengthen the power of the sheikhs, therefore stopped the process of registration when about one-fifth of the land had been registered and ceased to apply the provisions of the Land Code in the southern part of Iraq. Two decrees issued in 1880 and 1892 declared that the State was to become the landlord and should have the power to evict tenants at will.

Thus in 1919 the greater part of the land of Iraq was in theory the property of the State. This does not mean, as it does in the other territories of the Middle East, that it is land which formerly belonged to the Ottoman crown estates; it is in reality land which is held on no legal tenure at all, and is considered to belong to the State because the occupying owners have no registered title.

Various unco-ordinated and spasmodic attempts to settle land title were made between 1919 and 1930, but they were largely abortive, and in 1931 Sir Ernest Dowson was requested by the Iraq Government to investigate the problem of settlement of title. In his report he summarizes the problem as follows:

'Probably four-fifths of the cultivable area of the country is in law fully and freely owned by the State and when cultivated held in practice under the general administrative control of its representatives. And even the legal ownership (raqaba) of the balance is vested in the State although, subject to important conditions, its usufructuary possession is held on a permanent heritable and assignable tenure. This tenure (known commonly as tapu) is that applicable under the provisions of the Land Code to all State land. The Ottoman Administration persistently sought to give effect to these provisions, but failed to do so because the successful

000 operation of this tenure is impossible without an accompaniment of effective survey and land registration, which the Administration were unable to provide. And even if this radical defe[illegible] had been remedied the application of this advanced tenure would have been premature throughout the majority of the country. So that to-day—more than half a century after the introduction of the Ottoman Land Code in the country—only a fraction of the cultivated region is somewhat uncertainly held on tapu tenure, while throughout the overwhelming balance, land is for the most part occupied and cultivated on no legal tenure at all."[1]

He recommended that the problem should be tackled in three ways:

First, the work of survey must be unified and completed, since without a survey no settlement of title could be established.

Second, the different departments concerned with land tenure survey, registration, and settlement should be co-ordinated in a central department, a Central Lands Office, though they should continue to work under different ministries.

Third, the settlement of title should be made on the basis of the confirmation and maintenance of beneficial occupational use. Dowson considered that it was important for the State to register the tenure as leasehold, because, in a country with great agricultural potentialities like Iraq, it was important for the State to retain its right of ownership so that it could make use of the land at a later stage for purposes of development. Hence Dowson recommended that the land should be registered legally as a leasehold tenancy from the State.

This idea, that land tenure must be planned with reference to the *future* development of Iraq's agriculture should clearly be the main principle of reform, but it has unfortunately been en-
●423 tirely forgotten in practice. As a result of Dowson's recommendations, land settlement was carried out under the direction of British officials on a much more systematic basis than before, but his most important recommendations were not put into effect.

In the first place, a large part of the land was granted freehold and not leasehold. In 1932 a law was passed giving the

[1] op. cit., p. 74.

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423 Government the right to settle title to land. From 1933 to 1943 5,330,000 hectares of land were settled covering the whole of the agricultural area, in the following categories:

	Hectares	Acres
Leasehold (*Miri Sirf*)	3,000,000	7,413,270
Freehold (*Lazma*)	1,200,000	2,965,308
Freehold (*Tapu*)	900,000	2,223,981
Endowed (*Mulk Waqf*) ..	250,000	617,772
TOTAL	5,350,000	13,220,331

The freehold title, described as *lazma*, was a new legal category, supposedly suitable for tribal conditions. It grants freehold ownership, that is, *tapu* title, to the occupier after ten years' cultivation as a leaseholder, and its special feature is that land so granted cannot be sold outside the tribe. The object of introducing this new type of tenure was to maintain tribal solidarity, but it has not in fact had this effect, and has been mainly used by the pump owners to secure ownership against the customary rights of the tribesmen.

423 647 Nor have Dowson's recommendations as to the creation of a Central Lands Office been carried out. The Survey and Land Settlement Departments are under two separate ministries, Communications and Justice respectively. The Survey Department complains that it has not enough surveyors for its work, and that owing to lack of co-ordination its surveyors are taken off for land settlement work and cannot therefore carry on their regular work of survey. Land registry is undertaken by two departments, the old Turkish Tapu Department which is reported to issue title deeds on the basis of the titles settled, and a newly created office for registration of changes in tenure after settlement; this is an unnecessary duplication of function. Thus there is not any central department charged with the direction of policy, and this defect has had bad practical results.

423 The real problem of settlement has been the decision as to who should be regarded as the real owners of the land, the sheikhs, the sirkals, or the cultivators. The general objective was to settle the land on the basis of the existing rights. If, that is to say, the sheikh has a claim of one-fifth of the produce from each of a hundred cultivators, he should receive a holding of land equivalent to one-fifth of the total land and each cultivator

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should receive a title of ownership to four-fifths of the land he cultivates. This system of subdivision has been generally practised in the Middle Euphrates region, where the *karad* or water-wheel owners form a settled peasant class, and has given satisfaction in the majority of cases.

But in other regions, where the power of the sheikh is still very great, and the tribes still exist as a social unit, the land has been granted to the sheikh as the head of the tribe, and he has thus become entitled to the whole of the land as his individual property. The principle is that the size of the plot varies inversely with the power of the Government: where it is powerful, the small men gain a useful share of the total, and where it is not, the sheikh gets a legal title to the whole. Thus in part the land has been settled in small holdings, in part handed over in very large blocks.

The main criticism of settlement of title in Iraq is, therefore, that settlement commissions have alienated State land in large areas to tribal chiefs and influential pump-owning townsmen.[1] Though this is not entirely true, since some small cultivators have been given title to the land they occupy, yet in the main this has been the effect, and settlement certainly needs amendment from this standpoint.

The second criticism, often voiced by the rural community and those who have had experience of the operations of settlement, is that settlement commissioners have too wide powers and tend to be influenced by political and personal considerations. Very wide powers are in fact necessary for the settlement of complicated long-lasting disputes where documentary evidence is rare, conflicting, and vague, and where false witnesses can be brought on both sides and where the disputes themselves are further complicated by tribal prejudices, family quarrels, and blood feuds. It is generally admitted, however, that settlement commissions tended to become the resort of high officials who were neither energetic nor competent, and did not stay long enough to acquire the experience needed: it is not surprising that they were corrupt.

A third criticism, and the most serious, is that the new settlement is only *tapu* tenure (i.e., the old Ottoman tenure) applied more efficiently and with proper surveys. It has the same weak-

[1] Salih Haider, op. cit.

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423 ness of putting the fluid tribal system into a rigid mould, and a mould which gives the sheikhs undue power. When the tribes have completely disintegrated, it has been not unjust, as in some districts of the north and in Basra liwa. But in the purely tribal areas of Muntafiq, Amara, and Diwaniya liwas and the Kurd hill districts of Ruwandiz and Amadiya it has met with the same incompatibility which was the reason for the failure of the *tapu* system. In these districts the settlement commissioners have confirmed the legal title deeds, in Muntafiq and other areas over the heads of the actual occupants. In Amara, even sirkals and sub-tribal chiefs have no prescriptive rights to the land and have not been able to prove occupancy.

Hence the settlement law really needs drastic changes to enable satisfactory settlement of tribal areas, in particular to give title to tribal occupants of land, even if valid *tapu* titles are possessed by sheikhs.

565 *The Sheikh as Landowner*. This wholesale alienation of the land in large blocks to the sheikhs causes injustice to the cultivators and also creates great obstacles to future development. The sheikhs as a class are wealthy and important, since they control stocks of grain, and hoard the output of their estates: but they have no value in relation to the management of production. 'He is in fact too big a man to be a farmer and too indolent, corrupt and uneducated to make of himself anything else. As regards agricultural activity, the sheikh is completely unimportant; he takes little interest in seed or ground preparation, is more ignorant than his farmers about such matters and performs his large-scale water-sharing functions at the request and on the representations of his farmers and through his agents.'[1] Thus the bulk of the land has come into the hands of a class from whom no leadership in agricultural methods can be expected and which is tyrannous, callous, and oppressive.

423 In the areas where the tribal system still functions as a reality no land settlement has really been undertaken at all, that is,
579 in Amara (mainly rice fields), in Diwaniya, where the risks are too great, and in the Muntafiq where there is an endless struggle between the Sadun family, who claim to be the principal

[1] From an unpublished report prepared for M.E.S.C. on 'Land tenure in Amara Liwa', 1944.

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landowners, and the occupying peasants, which has from time to time led to outbreaks of violence.

In the Amara liwa for instance the sheikh has fairly complete power over his tribal sirkals and fellaheen. 'He switches his secondary lessees around at the yearly leasing time, throwing out any one he disapproves of, allotting the portions of land either by a form of auction or by direct agreement. The power of the sheikhs varies with the prosperity of the estates. The poor estates in the liwa, for instance, the Beni Lam estates, are short of labour and the sheikh is glad to get any comer on almost any terms. In such estates, the pump-owning secondary lessees (or sirkals) become the real masters of the land they cultivate, and the sheikh becomes a rent receiver. Other poorer estates in this district are becoming the property of the big rice merchants of the towns.'[1]

A report from the Muntafiq liwa describes similar conditions. The land is being ruined by bad farming, because year after year the same land is sown with a winter corn crop, and gets no rest either through fallow or through a rotation of crops. The government regulation that land must remain fallow in alternate years is disregarded. 'Perhaps the greatest racket in this area is the undue amount of the crop taken by pump owners,' says the report. This is due to the lack of any credit system: much forward selling of the crops takes place as soon as the green appears, at ruinous prices to the cultivator, sometimes in return for a loan amounting to about a quarter of the current grain price.[2]

In the densely settled regions of the south, such as Muntafiq, the position of the cultivator is particularly bad. He usually receives only a 30 to 50 per cent share of the produce. A typical apportionment of the crop is:

Government	10 per cent
Principal tenant (sheikh)	7½
Sirkal	2½
Landowner (either the sheikh or a notable)	40
Fellah	40
TOTAL	100[3]

[1] ibid.

[2] From an unpublished report prepared for M.E.S.C. on 'Land tenure in Muntafiq Liwa', 1944.

[3] A. Bonné, 'Conditions and Problems in the Agriculture of Iraq', *Bulletin of Agricultural Economics and Sociology* (International Institute of Agriculture, Rome), February 1934, p. 53–E.

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427 Out of this 40 per cent the fellah must also pay a rent for the upkeep of the canals which irrigate the holding; this may amount to 20–45 per cent of his share.

426 At the beginning of the season the fellah receives in advance from the employer:

	Dinars
300 kg wheat	1.800
150 kg barley	.525
Cash in 3 instalments	3.750
	6.075
Seasonal interest 30 per cent	1.800
TOTAL	7.875

1 Dinar = £1 sterling

He is not as a rule able to repay the loans from the sale of the produce, and so gets deeper and deeper into debt to the landowner. Thus there has evolved a particular kind of debt-serfdom: a landowner who needs labour from one estate can pay an advance to a whole village or several villages, and so obtain 'the right to demand the transference of the land workers thus "freed" from their debts to his lands.'[1]

65 Changes in taxation have also benefited the big landowners. To promote the expansion of pump irrigation, land irrigated with pumps was partially exempted from taxation. The reform of taxation under the Istihlak law of 1931 has also operated mainly to the advantage of the large landowners.[2]

427 Thus the former tribesman in Iraq has been reduced to the position of a serf-tenant, who is entangled in crushing indebtedness, and so is tied to the holding which he cultivates.

● 422 In spite of the wise recommendations of Sir Ernest Dowson's report, and the advisory efforts of British officials to improve 427 the security of the small cultivator, it cannot be said that land 185 settlement has succeeded in removing the oppressive character of the land system. Nor has any reform been made to permit the development of State land.

423 As regards water-rights, there is the same situation as in Palestine and Transjordan; attempts at legislation have been 185 frustrated by local interests, and here the need for legislation is

[1] ibid., p. 55.
[2] See P. W. Ireland, *Iraq, A Study in Political Development* (London, Jonathan Cape, 1937), pp. 440–1.

25: Warriner S-5 (no date) 1948 M1 Middle East Iraq MH1

still greater. Rights are recognized *ab antiquo*, which means by custom established beyond the memory of man, but since all the pumps have been installed in the last thirty years, no rights in connection with them can be recognized. The main problem has been that sheikhs or town notables put in pumps on a holding and then claim the whole of the land. Where there has been a settlement of title, claims have usually been settled on a share basis, but in other cases the pump owner has succeeded in getting the whole of the land. This is not a satisfactory position; in 1938 a draft irrigation law was prepared by the British expert on land tenure, but it has not been enacted.

The Government which came to power in Iraq after the *coup d'état* of 1936 severely criticized the policy of granting enormous blocks of land to individual owners. The fact is of course that previous governments were unable to resist the power of the sheikhs, or of the pump owners, and allowed them to jump claims to land before settlement. As a result of these criticisms, a new act was passed in 1938, which somewhat modified the powers of the pump owners, and gave the existing cultivators stronger rights.

But little progress has been made since that time. The Government's conception of reform was revealed in 1943 when the Ministry of Finance began the sale of the State leasehold (*miri sirf*) lands by auction, as an anti-inflationary measure. This was an illusory remedy for inflation, and threw away some of the State's power to reform land tenure and develop agricultural resources. In view of the fact that cultivation is likely to extend in the future as a result of new irrigation schemes, it is clearly important that the Government should decide on the principles which ought to determine future policy. If Iraq is to receive large loans for development, a settlement of the rights of the cultivators will become even more important.

PROPOSALS FOR REFORM

In Iraq, unlike the other countries of the Middle East, the reform of land tenure is the subject of genuine political discussion. Although in its economic life Iraq is far more backward than Egypt, it is politically more alive, and it is realized by the official class at least that reforms are needed, and that a new system of tenure must be evolved. Discontent with the land

29:Dunn S-4 (1952)1952 MI Middle East
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241 substantial surplus of barley for export. Sugar and tea are about the only agricultural commodities always imported.[39]

PRODUCTION

Agriculture in Iraq is devoted largely to the cultivation of winter crops. Because of the lack of rain in the south, summer crops can be grown only under irrigation. In the rain-fed zone of the north, summer crops can be grown on a moderate scale. In the irrigated zone of central and southern Iraq the limited water supply restricts the area devoted to summer crops to only about one-quarter of that grown to winter crops.

Barley and wheat are the only significant winter crops, while rice and, more recently, cotton are the principal summer crops. The area sown to sesame, corn, millet, and grain sorghum is comparatively insignificant. Tobacco assumes some importance in the mountainous areas of the north. Fruit and vegetables are quite important. Iraq is the world's principal producer and exporter of dates. Excellent citrus fruit is grown, particularly in the Diyala Valley in east central Iraq for domestic consumption, and other fruits and nuts are cultivated, mainly in the north.

233 Livestock raising is an adjunct to agriculture rather than an integral part of it. Sheep and goats predominate because they thrive despite poor grazing and feeding. Sheep and goats as well as camels are kept primarily by pastoral nomads.

YIELDS

241 Crop yields are generally low for a number of reasons. The water supply is frequently inadequate. Agricultural methods have on the whole remained unchanged for centuries. Little or no animal manure or fertilizer is applied to the soil, animal dung being used largely for fuel. Crop rotation is wholly inadequate and makes little or no provision for soil building crops. Salinity, attributed to poor drainage, has materially lowered the productivity of land in the irrigated zone. Owing to insufficient and poor draft animals and lack of proper equipment, the soil is often poorly prepared and weeds detract from yields. Up to half of the winter crop area is left in fallow as the means of restoring fertility, but since the land is generally allowed to grow up in weeds to afford grazing for animals, the efficacy of the fallow system is limited.

LAND TENURE

423 427 Ownership of cultivated lands is largely in the hands of sheiks and urban proprietors who entrust the actual cultivation in small parcels to sharecroppers. These sharecroppers have neither the equipment nor the knowledge to increase production and for the most part eke out a bare existence. The land assigned to the *Fellah*, or peasant, often changes from year to year so that the cultivator has virtually no incentive to improve it.

About 67 per cent of the privately-owned land is said to be in units exceeding 618 acres.

Most of the landowners are said to show little interest in improving agriculture. In the irrigated zone the *Fellah* generally gets only half of the crop, even though the state provides the irrigation works. His share is even smaller when the land is irrigated by privately-owned pumps or when the landlords supply seed, draft animals, or machinery.

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39 "Iraq," *International Reference Service*, March, 1950.

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COTTON IN IRAQ

The problems of land tenure are generally cited as being a restriction to agricultural development. One United Nations' study states the absence of settlement title is undoubtedly a major obstacle to expansion of cultivation of dry land and intensification of agriculture in irrigated or irrigable zones.[40] The same report also points out that the lack of adequate legislation on water rights is another serious defect.[41]

RESETTLEMENT

Sizable areas are being settled by the state under the provisions of a law passed in 1951 which distributes about 67 acres per family to landless people, agricultural school graduates, former civil service employees, pensioners, and the unemployed. The farming program on these projects is supervised rigorously. On the 75,000-acre Dujaila Project on the Tigris River the prescribed planting program is as follows: 20 per cent in wheat, 15 per cent in barley, 5 per cent in fruit, 4 per cent in cotton and flax, 3 per cent in sesame, and 3 per cent in vegetables. Another 5 per cent will be devoted to housing, and the remaining 45 per cent must lie in fallow because of a water shortage.[42]

The Mission report criticized these land settlement schemes on several bases. The land is given to the farmers, the title being transferred after 10 years of successful operation. The Mission believes the land should be sold. The Mission also criticizes the allocation of land to people who have had no farming experience and who have not necessarily shown themselves to be suited by temperament for farming, and it expresses doubt that the program actually has improved the land or the farmer. The economic report stated: "The improved economic position of the cultivators in the new Dujaila scheme is almost wholly due to the fact that the farmer there has a larger plot of land and does not need to surrender a share of his output to his landlord."[43]

There are half a dozen other projects, involving 250,000 acres, in various stages of promotion which the Point Four Mission is being urged to assist in planning and supervising.

IRRIGATION

At present irrigation water is provided by the Kut and Hilla Barrages on the upper Tigris River, several smaller ones on the lower reaches, and the Hindiya Barrage on the Euphrates River. The water is carried by pumps and canals. About 2 million acres are irrigated by pumps and another 4 to 5 million acres by gravity flow.

Estimates indicated cultivatable land can be expanded almost three times if water is available. Yet, under current conditions, the supply of water does not permit even the effective irrigation of the area already in use. Projects for the storage of excess water which pours down the Tigris and Euphrates Rivers during the spring flood season are clearly essential. The government already has initiated work on the Habbaniya Lake storage system for the Euphrates River and has let the contract for the first stage of the Wadi Tharthar flood control project on the Tigris River. The Development Board is undertaking also construction of three dams on the upper tributaries of the

40 *Land Reform*, United Nations, 1951, p. 27.

41 *Ibid.*, p. 27.

42 *Final Report of the United Nations Economic Survey Mission for the Middle East*, United Nations, December, 1949, p. 31.

43 Boardman, Frances, "Iraq Moves Toward Land Reform," *Foreign Agriculture*, U. S. Department of Agriculture, September, 1951.

1- [Text continues on p. 97--Analyst]

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647 652 185 "We have been impressed by the ingenuity of the attempt to cover a large part of the cost of the existing centres by the voluntary contributions of the direct beneficiaries. It is clear, however, that the method of raising funds by voluntary contributions is preventing the rapid expansion of the benefits of the scheme to cover the majority of the rural population. It may therefore be desirable, as part of the land redistribution and fiscal reform of the country now in progress, to set aside a large proportion of the national revenues resulting from taxation to provide free basic services for the welfare of the fellaheen, as and when the necessary personnel and supplies become available.

"If the provision of free services is thought to compromise the principle of self-help upon which the centres have been founded, an alternative might be to maintain the existing structure of State subsidy to locally contributed funds, but at the same time to introduce the principle of compulsory membership, and individual contribution to running expenses, on a system of local option. That is to say, in each village the majority of adult inhabitants would decide whether the local contribution to the cost of a centre (which would be open to all free of cost) should be met from a graduated levy. The amount of each individual contribution would be determined on according to capacity to pay or on some other equitable basis."

000 42. At the meeting of the inter-ministerial committee which we attended at the close of our mission, we were invited to participate in a discussion of ways and means of ensuring that the technical advice and guidance, - which already exist in each of the departments of public service and have been created for the welfare of the community at large - are better co-ordinated and decentralized and made available more directly and more extensively to the fellaheen. A full exchange of views took place and we were happy to find that the Ministers had anticipated many of the criticisms and suggestions that had occurred to our minds.

IRAQ

(Visited 8 - 12 January)

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642 131 161 434 423 43. Iraq is a constitutional monarchy, with territory covering 168,400 square miles and a population of approximately 5,000,000. The country has great economic potentialities which until recently have not been adequately exploited. Income per capita does not yet exceed 30 Iraqi dinars (approximately US$84). In the past the predominance of the tribal system has impeded a redistribution of lands now recognized as necessary. The abundance of government-owned lands which will become cultivable under modern methods and extended irrigation is expected to facilitate the distribution of land on the basis of small property ownership without intermediary of tribal chiefs.

433 185 Iraq has large possibilities of land reclamation: i.e. the country can feed a larger population than it actually has, and there is in the near future no danger of over-population, even assuming that the death rate is lowered by various measures.

657 185 44. We were assured by one Minister with whom we had the privilege of discussing the standard of living of so many of the poorer sections of the community that the evils from which the country was suffering were well known, and that a partial explanation of many of the difficulties hitherto experienced in effecting necessary improvements was to be found in a lack of co-ordination between existing health and education

II. THE BASIC PROBLEMS OF THE RURAL PEOPLE

A. PRESENT CONDITIONS

369 511 162. The some 4,000,000 more people of Iraq who live the rural areas have been long characterized by many people both within and outside Iraq as suffering from poverty, ill health and illiteracy. These conditions become readily apparent to one visiting the villages of the country today. The characterization of the people can be extended to their being ill-housed, ill-fed and ill-clothed.

369 511 The survey was immediately impressed with the crude and inefficient methods of making a living and the unnecessarily poor and unhealthy home and village life. These conditions can be remedied by instruction and assistance. People farm with primitive equipment and are wasteful of land and water. In village after village there are mud huts without light or fresh air. Families live, sleep and eat in single rooms packed together with animals, food, stores, farming equipment and refuse. Children play in courtyards filled with animal dung and filth, many people suffer from infected eyes, skin sores and diseases caused by unsanitary conditions which could be greatly reduced by better sanitary conditions. In the homes food is prepared on the floors where it comes in contact with the accumulated filth, flies, chickens, dogs and other animals. Pots and pans and mixing spoons lie on the ground. They are crudely cleaned with dirty water or old rags. There are no such things as kitchens, screened lockers for food or clean and covered places for drinking water in the homes of the rural villagers. Instruction in home care could overcome much of this.

369 364 511 The lack of pure drinking water is one of the most acute problems in these villages. Some pumps and water tanks and some water piped from springs to collection pools have been installed. However, these facilities frequently lack sanitary protection and show lack of proper maintenance by the communities. Often wells have around them accumulation of stagnant water, mud and animal dung. Another acute problem is the lack of any facilities in many villages, and homes for taking care of human waste. Where toilets exist they are more uncovered holes open to flies and a source of spreading disease.

369 871 Many villages have not yet received the benefit of schools where children can learn some of the concepts and techniques which would enable them to understand the need for improving their conditions and help their families in doing so. In some villages young girls are not allowed by their elders to attend school or not provided with primary schools, buildings and teachers. Much of a new generation is growing up illiterate and ignorant of how they might help themselves when they grow up.

369 423 471 588 Inquiry among villagers and local officials revealed that although there might be a headman or mukhtar of the village, nearly all direction and management of their affairs comes from outside leadership. Communities lack the local leadership and organization by which they might progress through their own efforts. Sheikhs, landlords, their agents (shirkat) who are frequently local government representatives as well, direct the farming operations, decide the lands on which the villagers will farm and live, provide much of the seed and equipment, direct the cleaning of ditches, collect the shares of crops and other payments and decide whether or not the farmers may live and work on the land during the next year. Even the farmer who owns his own land is not without obligations to many leaders, but collectors and government supervision. The farmers and tenants of Iraq are dependent upon

others almost for life itself. In their position they cannot help themselves, but go on generation after generation at the same poor level of living. There are no committees or councils to represent themselves or which government sources might utilize for participation in family and village development programmes.

Many other problems such as undeveloped village crafts and industries, lack of access roads and marketing facilities might be added. Enough has been described to indicate the great and urgent need for a broad programme for assistance to the rural population of the country. It is recognized that these are not new conditions but part of a way of life that has been characteristic of these people for centuries. The wealth and labour of the land through all these years has been for the welfare of the few who ruled. It has been only within comparatively recent years that the leaders of Iraq have become concerned about or in a position to help in the improvement of rural affairs.

B. CAUSES OF CONDITIONS

Many factors beside tradition have contributed to the present plight of the rural people. Essentially their problems stem from the lack of security on the land, the lack of financial means or credit to develop their farming or crafts and the lack of knowledge to promote their own advancement.

1. System of Land Tenure

The major and self-evident cause of present poverty is the lack of ownership of land and of any security under the tenant system. The tenant owns no farm or house. He must shift his farming operations or even leave the land as he is directed. Therefore, he has no base on which to build a better life or earn a better income. The small land farmer who owns his own land frequently has an insufficient amount to provide adequate income.

2. Lack of Credit

Credit for the small farmer or tenant is virtually unavailable. Both tenant and small owner are subject to a system of sharecropping or credit which by exorbitant rates leaves them with insufficient balance from their crops for their own subsistence. In fact some tenants receive as little as 20 to 30 per cent of their crop. Small farmers often have to forfeit their lands because they cannot pay off their mortgages and work in the employ of their creditors. Rarely it was found that a small farmer received a loan from the Agricultural Bank.

3. Poor Land Use

The landlord, however, does not always stand to make great profits. He loses more proportionately than the tenant during crop failures when he must provide them with food and receive no return. He loses continually from their inefficient farming methods, their ill-health and limited ability to work and the uses to which he puts his hands.

4. Lack of Knowledge and Training

Especially important among these reasons for poverty is lack of training and information. The rural people are for the most part without education in its broadest and most fundamental sense. First, there is a lack of ability to read and write to obtain more information.

163 lation, and the death rate, 25 to 35. The
165 discrepancies in reporting are probably less in the case of deaths than of births.

On the basis of the health district populations for 1950, the infant mortality rate was calculated at 98 per 1,000 live births. The death rate of infants under 1 year was 14 per cent of the total deaths, and of children under 5 years, about 23 per cent. Local observers estimate that the mortality in infants under 1 year approximates 300 to 350 per 1,000 live births among most rural and impoverished urban communities, and that it reaches almost 500 per 1,000 live births in children under 5 years of age. Intestinal diseases, undernutrition, respiratory infections and malaria are prominent among the causes of death in infancy and early childhood.

Social Economy

241 Agriculture and the petroleum industry together form the basis of Iraq's economy. Although this region was one of the chief granaries of the world centuries before the Christian Era, the present agricultural resources of the potentially fertile Tigris and Euphrates river basins are only partially developed. About 75 to 80 per cent of the inhabitants are engaged in farming or pastoral pursuits, but progress is retarded by the prevailing forms of land tenure, shortage of labor supply and inefficient methods
311 of cultivation. In 1950, less than one fifth
241 of the arable land, normally estimated at 25 to 30 million acres, was under production. Extensive areas of the alluvial plain are cultivated by means of irrigation, but improper drainage often results in consider-
427 able annual loss of soil fertility. A system
423 of tenancy farming predominates in most sections of the country. The proportion of land-owning peasants is small and largely restricted to the northern provinces. In cen-
[441] tral and southern Iraq many families are migratory cultivators who work on a share-cropping basis for wealthy and, usually, absentee landlords.

341 Cereals, tobacco and cotton are important

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Chapter 4

IRAQ

Developments to the End of the Second World War

433 At the end of the First World War, when Iraq was constituted as a State, very little had been done to develop its economy. An over-all irrigation programme had been drawn up, and the Hindiyah barrage had been built on the Euphrates and work begun on the Habbaniyah escape channel, but the outbreak of war had interrupted progress. The war had also prevented the exploitation of oil deposits by the Turkish Petroleum Company, formed in 1914. In the nineteen twenties, development was started. The digging of canals, the building of minor works and the installation of irrigation pumps resulted in a substantial increase in cultivation, and there was also a slight improvement in farming methods. Railways were extended and other means of transport improved.

436 Further steps were taken in the nineteen thirties. In 1932, instead of the rupee, the Iraqi dinar became the unit of currency. The Kut barrage, on the Tigris, and various canals, regulator dams and minor projects were completed. The establishment of a few cotton gins, textile plants and other factories producing consumer goods marked the beginning of modern industry. A government-owned Agricultural and Industrial Bank was set up. A land settlement law was passed in 1932 and amended in 1938, and work on land settlement began in 1933.

471 Of more importance to the Iraqi economy was the development of the petroleum industry. In 1925, the Iraqi Petroleum Company, a successor to the Turkish Petroleum Company, was granted a concession, and in 1927 the Kirkuk oilfield was discovered. By 1934, that field had been brought into production, and two pipelines, with an annual capacity of 2.2 million tons each, had been laid to the Mediterranean coast; these developments required an investment of $62 million. Exports of oil began that year. The royalties and other revenues from petroleum accruing to the Government greatly increased its receipts and made it possible to augment expenditure on economic and social development.

433 During the Second World War Allied troops stationed in Iraq spent large sums on local purchases; from 1941 to 1944 inclusive, these expenditures totalled £64 million. There was a corresponding increase in national income, expressed in monetary terms, and prices rose considerably, the wholesale price index reaching a peak of 590 in 1943 (December 1938 to August 1939 = 100) and standing at 503 in 1945. This addition to national income and rise in prices stimulated agriculture; the area under cultivation was considerably extended, by irrigation and greater use of farm machinery, and although yields declined, total output increased somewhat. The greater part of the Allied expenditures was saved, in the form of sterling balances, which, in July 1947, amounted to £57.9 million. 1/

1/ National Bank of Iraq, Annual Report, July 1949-December 1950 (Baghdad, 1951).

433 There has been little change in the crop pattern in recent years. In 1950,
311 under the stimulus of rising world prices, the area planted to cotton increased,
241 but the damage caused by pests, together with the fall in prices, caused heavy losses and led to a shift to other crops. There has also been an extension of the area planted to fruits and vegetables.

242 The Government has taken several important measures to aid agriculture. In 1952, in order to improve the quality of dates, the government-owned Iraqi Dates Association contributed 49 per cent of the capital of a company which will market the crop. In 1953, the Government appropriated funds for the building of grain silos with a capacity of 150,000 tons, in order to improve quality, since low grading depresses export prices. The Agricultural Machinery Administration rents "machinery to farmers and, in addition, is responsible for testing and demonstrating new machinery, licensing of imports and controlling the distribution of the limited supply of spare parts". 1/ The activities of the Agricultural Bank are discussed below.

423 Among the major obstacles to agricultural development has been the land
241 tenure system. The uncertainty of land titles has by now been largely eliminated by the work carried out since passage of the land settlement law of 1932. By the end of 1953, titles to 16,126,000 hectares had been settled; this represented 68.4 per cent of the area of the country, excluding the desert regions. Another obstacle is the unequal distribution of land. The agricultural census showed that there were only 125,000 holdings, with an average area of 51 hectares per holding. Of these, 24,000 holdings were under 1 hectare, 26,000 between 1 and 5 hectares, 16,000 between 5 and 10 hectares and 19,000 between 10 and 20 hectares. Thus, 85,000 holders, or 68 per cent of the total, owned about 8 per cent of the total area. At the other extreme, some 33,000 holders, with over 100 hectares each, owned some 85 per cent of the total area. The majority of the agricultural population is landless.

311 The Government has attempted to remedy this situation by settlement schemes
241 on government-owned land, which accounts for nearly two-thirds of the settled
185 area. Following a successful experiment at Dujaila, 4,284 farmers were settled, in five projects with a total area of 198,000 hectares, and by the end of 1954, 10,200 farmers had been settled on 510,000 hectares. 2/ Farmers are organized in supply and marketing co-operatives. They are given the land free of rent for ten years, after which those who have made good are granted title without charge. 3/ Further projects are under way, including the distribution of 1,125,000 hectares in Mosul province, the distribution of 100,000 hectares near Baghdad, the expansion of the Hawijah settlement and the distribution of land near Basra and along the southern Euphrates. 4/

1/ International Bank for Reconstruction and Development, The Economic Development of Iraq, page 20.

2/ The Iraq Times (Baghdad), 25 October 1954.

3/ For further details see United Nations Department of Economic Affairs, Progress in Land Reform (1954), page 105.

4/ The Iraq Times, 14 December 1954, 4 January 1955, 8 January 1955 and 7 February 1955.

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marriage takes place. The marriages exogamous with respect to the close kinship group — few in any case — will among the Hamawands be with Hamawands of other villages. Thus a caste separation

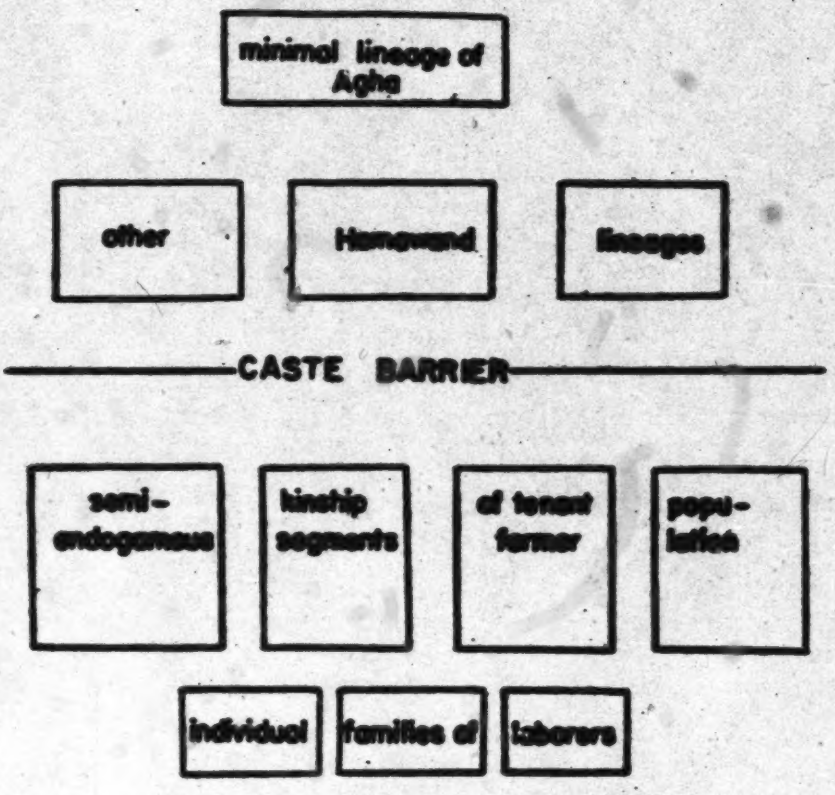

Diagram No. 1. Organization of composite village.

tends to grow up, separating the Hamawand effectively from the Meskjin group, and the composition of the local group might be schematically represented as in diagram No. 1.

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One of the composite Hamawand- *Meskjin* villages was studied briefly. However, due to increased tensions connected with the app-

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roaching review of their case in the Land Settlement Comission[1]), when claims and counter-claims would come to a head, it was impossible to obtain detailed census material.

The village in question was conquered some 40 years ago by a segment of the Rashawand Hamawands, and lies at present on the very edge of Hamawand territory. Villages to the north of it, formerly under Hamawand control, have lately torn themselves lose.

The total population is ca. 100 individuals; of them, 5—6 households are Hamawand, 15—20 households *Meskjin*, subjected tenants, and there are a few families of laborers. The Hamawand faction is led by an *Agha;* the *Meskjin* are led by the *kikha* (official headman of the village). The latter is descended from the former headman, and was elected by the majority of the villagers, so in the face of government approval, the Hamawands had to accept him. Between these factions there has been no intermarriage.

The conflict in this village is related to that in the neighboring village, to which, according to the *Meskjin* version, the Hamawands wish to extend their privileges. The balance of power between the two factions seems at present to be quite labile. The *Meskjin* have been gaining ground through a slowly rising standard of living whereby rifles and ammunition have become increasingly available to them, and through the growing mediating effects of external administration. To fully understand the present tensions, one rule of the Land Settlement Comission which is to review ownership claims shortly should be noted: Where conflicting claims are advanced, any party who has for the last 10 years regularly collected tax on the land is regarded as the de-facto owner. It is thus vital for the Hamawands to retain their power, and for the *Meskjin* to break that power, before the Land Settlement Comission arrives on the spot.

To this end, the factions are mobilizing all available mechanisms.

[1]) The Land Settlement Comission, established during the British mandatory period, is a court of claims relating to questions of land tenure. Coordinated with a comprehensive program of mapping, its object is systematically to cover all agricultural land, and definitively settle and register proprietory rights (cf. Dowson 1931).